

DEFENCE FORCES RETIREMENT BENEFITS.

No. 31 of 1948.

An Act to provide Retirement Benefits for Members of the Permanent Defence Forces of the Commonwealth, and for other purposes.

[Assented to 26th June, 1948.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Defence Forces Retirement Benefits Act* 1948. Citation.
2. This Act shall come into operation on a date to be fixed by Commencement. Proclamation.
3. This Act is divided into Parts, as follows :— Parts.
 - Part I.—Preliminary.
 - Part II.—The Defence Forces Retirement Benefits Board.
 - Part III.—The Defence Forces Retirement Benefits Fund.
 - Part IV.—Contributions—
 - Division 1.—Contributions by members.
 - Division 2.—Scale of units.
 - Division 3.—Scale of contributions by members.
 - Division 4.—Contributions by the Commonwealth.
 - Division 5.—General provisions as to contributions.

Part V.—Pensions and Benefits—

Division 1.—Grant of pensions and benefits.

Division 2.—Commutation of pension.

Part VI.—Application of this Act to serving members.

Part VII.—Miscellaneous.

Definitions

4.—(1.) In this Act, unless the contrary intention appears—

“ approved authority ” means a prescribed authority of the Commonwealth ;

“ children ” includes children adopted by a member and dependent on him at the time of his death ;

“ contributor ” means a member who is or has been contributing under this Act to the Fund ;

“ initial engagement ” means an engagement as a member which did not commence immediately upon the termination of a prior engagement as a member ;

“ member ” means a male member of the Permanent Naval Forces, Permanent Military Forces or Permanent Air Force of the Commonwealth on full-time continuous service, but does not include—

(a) in relation to the Permanent Naval Forces—a member of the Naval Dockyard Police (Guard Section), an officer appointed for temporary service or an officer enrolled on the Emergency List or the Retired List ; and

(b) in relation to the Permanent Military Forces—an officer (other than a Quartermaster or an officer serving under a short service commission or an officer appointed or promoted to be an officer in the noncombatant branches of the Permanent Military Forces in accordance with section one hundred and forty-eight of the *Defence Act 1903-1947*) who is not a graduate of the Military College ;

“ officer ” means—

(a) in relation to the Permanent Naval Forces—a member who is a commissioned officer or a subordinate or warrant officer but does not include a petty officer ;

(b) in relation to the Permanent Military Forces—a member who is a commissioned officer ; and

(c) in relation to the Permanent Air Force—a member who is a commissioned officer,

and includes a cadet enrolled at a Naval, Military or Air Force College ;

“ rank ” in relation to a member of the Permanent Naval Forces, means confirmed rank and, in relation to a member of the Permanent Military Forces or Permanent Air Force, means substantive rank ;

“ Reserve ” means—

- (a) in relation to a member of the Permanent Naval Forces—the Emergency List of Officers or the Royal Australian Fleet Reserve ;
- (b) in relation to a member of the Permanent Military Forces—the Reserve of Officers or the Australian Regular Army Reserve ; and
- (c) in relation to a member of the Permanent Air Force—the Air Force Reserve ;

“ retiring age for the rank held ”, in relation to a member, means the age for compulsory retirement of a member of the rank, branch and group of the member as prescribed at the date of the commencement of this Act—

- (a) in the case of the Permanent Naval Forces—under section seventeen of the *Naval Defence Act 1910-1934* ;
- (b) in the case of the Permanent Military Forces—under section twenty-seven of the *Defence Act 1903-1947* ; and
- (c) in the case of the Permanent Air Force—under section nine of the *Air Force Act 1923-1941* ;

“ retirement ”, in the case of a member not being an officer, includes discharge ;

“ service ” means service as a member ;

“ Service Board ” means—

- (a) in relation to the Permanent Naval Forces—the Naval Board ;
- (b) in relation to the Permanent Military Forces—the Military Board ; and
- (c) in relation to the Permanent Air Force—the Air Board ;

“ service for pension ” means full-time continuous service as a member after attaining the age of twenty years, but does not include, in the case of a member not being an officer, any such service which was not served under engagement for a definite term ;

“ Service Minister ” means—

- (a) in relation to the Permanent Naval Forces—the Minister for the Navy ;
- (b) in relation to the Permanent Military Forces—the Minister for the Army ; and
- (c) in relation to the Permanent Air Force—the Minister for Air ;

“ Service Regulations ” means—

- (a) in relation to the Permanent Naval Forces—the Naval Forces Regulations and includes the Naval Financial Regulations ;
- (b) in relation to the Permanent Military Forces—the Australian Military Regulations and includes the Financial (Military) Regulations ; and
- (c) in relation to the Permanent Air Force—the Air Force Regulations ;

“ the Board ” means the Defence Forces Retirement Benefits Board constituted by this Act ;

“ the Fund ” means the Defence Forces Retirement Benefits Fund established under this Act ;

“ the Service ” means the Permanent Naval Forces, the Permanent Military Forces or the Permanent Air Force as the case requires ;

“ the Superannuation Fund ” means the Superannuation Fund established under the *Superannuation Act 1922-1948*.

(2.) In this Act, any reference to a Schedule shall be read as a reference to a Schedule to this Act.

PART II.—THE DEFENCE FORCES RETIREMENT BENEFITS BOARD.

Constitution of
Defence Forces
Retirement
Benefits Board.

5.—(1.) There shall be a Defence Forces Retirement Benefits Board which shall consist of the following members :—

(a) the President of the Superannuation Board constituted by the *Superannuation Act 1922-1948* ;

(b) the Commonwealth Actuary ;

(c) a person to represent the Treasury ;

(d) a person to represent the Permanent Naval Forces ;

(e) a person to represent the Permanent Military Forces ; and

(f) a person to represent the Permanent Air Force.

(2.) The member of the Board representing the Treasury shall be appointed by the Governor-General.

(3.) Each member of the Board representing one of the Forces shall be appointed by the Governor-General after nomination by the relevant Service Board and approval of the relevant Service Minister.

(4.) Each member of the Board representing one of the Forces shall, subject to section seven of this Act, hold office for a term of two years.

(5.) The President of the Superannuation Board shall be the Chairman of the Board and in his absence the Commonwealth Actuary shall act as Chairman and in the event of the absence of both the President and the Commonwealth Actuary, the representative of the Treasury shall act as Chairman.

Appointment of
deputies.

6. In the case of the illness or absence of any member of the Board, the Treasurer may appoint a deputy to act for such member during his illness or absence, and every deputy so appointed shall, while so acting, have all the powers and authority of the member, but no deputy so appointed shall act as Chairman.

Termination of
appointments.

7. Where in the opinion of the Governor-General it is desirable or necessary to terminate any appointment made under section five of this Act, he may terminate that appointment accordingly.

Voting at
meetings.

8. The Chairman shall, at meetings of the Board, have a deliberative vote and, in the event of an equality of votes on any question he shall also have a casting vote.

9. The members of the Board shall be paid such remuneration as the Treasurer from time to time determines. Remuneration of members.

10.—(1.) Notice of any meeting of the Board shall be given by the Chairman personally or by post to all the members. Quorum.

(2.) Four members of the Board shall constitute a quorum for the purpose of transacting the business at any meeting.

11.—(1.) The Board shall be a body corporate, and shall have perpetual succession and a common seal. Incorporation of Board.

(2.) The seal of the Board shall not be attached to any document except on resolution of the Board, and shall be authenticated by the signatures of two members of the Board.

12.—(1.) The Board may, in relation to any particular matters or class of matters, by writing under its seal, delegate to any member of the Board all or any of its powers under this Act (except this power of delegation), so that the delegated powers may be exercised by that member with respect to the matters or class of matters specified in the instrument of delegation. Delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Board.

13.—(1.) The cost of the administration of this Act shall be paid out of moneys appropriated from time to time by the Parliament for the purpose. Cost of management.

(2.) The moneys received and paid under this section, and the accounts in connexion therewith, shall be kept, as part of the Public Account, separately from the moneys and accounts of the Fund.

14. The Board shall, in each year, submit to the Treasurer, to be laid before both Houses of the Parliament, a report dealing with the general administration and working of this Act. Reports.

PART III.—THE DEFENCE FORCES RETIREMENT BENEFITS FUND.

15.—(1.) There shall be a Defence Forces Retirement Benefits Fund, into which shall be paid the contributions of members and payments by the Commonwealth under this Act, and from which shall be paid the benefits provided for in this Act. Establishment of the Fund.

(2.) Income derived from the investment of the Fund shall form part thereof.

(3.) The income of the Fund shall not be subject to taxation by the Commonwealth or a State.

16. The assets of the Fund shall, so far as practicable, be invested by the Board— Investment of Fund.

- (a) in securities of the Commonwealth ;
- (b) in loans to local governing bodies in Australia ; or
- (c) in any other manner for the time being allowed by any Act or State Act for the investment of trust funds in Australia.

General Account
and Pensions
Account.

17.—(1.) The Board shall maintain within the Fund—

- (a) a General Account; and
- (b) a Pensions Account.

(2.) Contributions by members under this Act and payments under the provisions of section thirty-three, of sub-section (4.) of section seventy-eight, and of section eighty-two, of this Act by the Commonwealth shall be credited to the General Account.

(3.) Payments by the Commonwealth pursuant to sections thirty-two and thirty-four of this Act shall be credited to the Pensions Account.

(4.) Income derived from the investment of the Fund shall be credited to the Pensions Account.

(5.) In respect of each year after the establishment of the Fund, interest at the prescribed rate on the mean balance of the General Account during that year shall be debited to the Pensions Account and credited to the General Account.

(6.) Where under this Act provision is made for the refund of any contributions or for the payment of a gratuity the refund or payment shall be debited to the General Account.

(7.) Where under this Act a pension becomes payable payments of the pension shall be debited to the Pensions Account.

(8.) Amounts may be transferred from the General Account to the Pensions Account whenever, in the opinion of the Board, it is necessary to do so.

Moneys
uninvested may
be lodged with
Treasurer or
in Bank.

18. Moneys held uninvested by the Board may be lodged either at call or on fixed deposit, or partly at call and partly on fixed deposit, with the Treasurer or with the Commonwealth Bank, and while in the bank shall be held to be moneys of the Crown.

How cheques
signed.

19. Cheques drawn by the Board on any account in the Commonwealth Bank shall be signed as prescribed.

Audit.

20. The accounts relating to the Fund shall be audited by the Auditor-General.

Borrowing.

21. The Board may borrow for, and the Treasurer may lend to, the Fund, moneys not exceeding two-thirds of the amount of, and on the security of, moneys of the Fund invested in Commonwealth securities.

Quinquennial
Investigation by
Commonwealth
Actuary.

22.—(1.) An investigation as to the state and sufficiency of the Pensions Account shall be made as at the thirtieth day of June immediately following the expiration of five years after the commencement of this Act and thereafter at intervals of not less than five years.

(2.) The investigation shall be made by the Commonwealth Actuary.

(3.) The Commonwealth Actuary shall report to the Board the result of his investigation, and shall state whether the Pensions Account is sufficient to provide for the benefits which are a charge upon that account, and shall also certify the amount which, in his opinion, is the amount of the surplus or deficiency.

(4.) The Board shall inform the Treasurer of the result of any investigation made under the provisions of this section.

PART IV.—CONTRIBUTIONS.

Division 1.—Contributions by Members.

23.—(1.) Every member shall (except as otherwise provided in this Act) contribute to the Fund from such date as the Governor-General notifies in the *Gazette* (in this Act referred to as “the appointed date”) or, in the case of a member who becomes a member after the date so notified, from the date when he so becomes a member. Commencement and cessation of contributions.

(2.) A member shall not be required to contribute to the Fund prior to his attaining the age of eighteen years.

(3.) A member (not being an officer) serving under an initial engagement for a period of less than six years, shall not contribute to the Fund.

(4.) The contributions of a member shall, subject to the next succeeding sub-section, cease to be paid when he ceases to be a member, or, in respect of each unit or part of a unit, immediately after the last fortnightly payment before the anniversary of his initial contribution in respect thereof next preceding the attainment by him of the age of sixty years, whichever first happens.

(5.) In the case of a member whose initial payment in respect of any unit or part of a unit is made within twelve months before the date upon which contributions would cease to be paid under the last preceding sub-section, twenty-six contributions at the fortnightly rate applicable to the member in respect of that unit or part of a unit shall be made before pension at the rate provided by this Act shall become payable :

Provided that this sub-section shall not apply to a member who retires on the ground of invalidity or of physical or mental incapacity to perform his duties or who dies before his retirement.

(6.) For the purposes of sub-sections (4.) and (5.) of this section the initial contribution of a member in respect of any unit or part of a unit shall be deemed to have been made on the date as from which the contribution became payable.

24. Where a member, prior to becoming a contributor under this Act, was a contributor under the *Superannuation Act 1922–1948* and the reserve value held in respect of the contributions made by him Contributions under Superannuation Act 1922–1948.

under that Act has been paid from the Superannuation Fund into the Fund pursuant to the provisions of section eighty-two of this Act, the contributions made by him in respect of units of pension under that Act shall, for the purposes of this Act, be deemed to be contributions in respect of units under this Act.

Cessation of membership.

25. For the purposes of this Act, a member shall cease to be a member—

- (a) in the case of an officer—on the date of his retirement, or if his commission is cancelled, on the date on which the cancellation takes effect; and
- (b) in the case of a member other than an officer—on the date of his discharge.

Counting of service under previous service.

26.—(1.) Where a person became or becomes a member prior to the thirtieth day of June, One thousand nine hundred and fifty, he may elect to have the whole or any part of any period of full-time service by him as a member of the Defence Force of the Commonwealth after attaining the age of twenty years, and subsequent to the third day of September, One thousand nine hundred and thirty-nine, but prior to the date of his becoming a member for the purposes of this Act taken into account for the purposes of pension under this Act, and, on his so electing, that period of service or part thereof, as the case may be, shall be taken into account for the purposes of pension only.

(2.) Where a member to whom the last preceding sub-section applies elects to have a period of service taken into account for the purposes of pension, he shall pay contributions of such amounts, and during such period, as the Board determines.

(3.) For the purposes of this section “service” includes full-time service although it was not under engagement for a definite term.

Counting of service under short-term engagement.

27.—(1.) Where a member (not being an officer), who is serving under an engagement for a term not less than six years, had commenced to serve the engagement forthwith upon completing an engagement of three years in the Defence Force of the Commonwealth, he may elect to have the whole or any part of the period served by him under that prior engagement, after attaining the age of twenty years, taken into account for the purposes of pension under this Act, and on his so electing that period or that part thereof shall be taken into account for the purposes of pension only.

(2.) Where a member to whom the last preceding sub-section applies elects to have a period of service so served by him taken into account for the purposes of pension, he shall pay contributions of such amounts, and during such period, as the Board determines.

Division 2.—Scale of Units.

Scale of units.

28.—(1.) Subject to this Act, contributions by a member shall be in respect of units and the number of units in respect of which a member shall contribute shall have relation to his daily pay in accordance with the scale set out in the First Schedule.

(2.) For the purposes of this Act, the daily pay of a member shall be the sum of the following amounts calculated on a daily basis:—

- (a) the pay prescribed under the relevant Service Regulations for the rank, branch and group of the member (including any increment to which he is entitled by length of service in that rank);
- (b) such pay allowances, payable to the member under the relevant Service Regulations, as are specified in regulations under this Act; and
- (c) the sum of Five shillings.

(3.) If the daily pay of a member is increased and, by reason of that increase, falls within a pay group in column One of the scale contained in the First Schedule higher than the pay group in which it fell prior to the increase, the number of units in respect of which the member shall contribute shall be increased to the number specified in column Two of that scale opposite to the pay group within which his increased pay falls.

(4.) Any increased contribution payable in pursuance of the last preceding sub-section shall be payable as from the date upon which the daily pay at the increased rate becomes payable:

Provided that, where the date from which any increased contribution is payable is not a pay day, the increased contribution shall be payable as from the next following pay day.

29. Where the daily pay of a member is or has been reduced as a result of reduction in rank and by reason of that reduction in pay falls within a pay group in column One of the scale contained in the First Schedule lower than the pay group in which it fell prior to the reduction, the number of units in respect of which he shall contribute shall be reduced to the number appropriate to the pay group within which his reduced pay falls. Reduction in contributions.

Division 3.—Scale of Contributions by Members.

30. The amount of contribution which shall be paid by a member shall, except where otherwise provided in this Act, be based upon— Contributions, how ascertained.

- (a) the number of units or parts of units in respect of which the member is required to contribute; and
- (b) the age at which the member commences to contribute for each unit or part of a unit.

31. The contributions payable by members under this Act shall, except as otherwise provided in this Act, be in accordance with the table of contributions set out in the Second Schedule. Tables of contributions in Schedules.

Division 4.—Contributions by the Commonwealth.

32.—(1.) In respect of each payment of pension paid under this Act from the Fund to or in respect of a member, the Commonwealth shall pay to the Fund such sum (if any) as, on the advice of the Calculation of contributions by Commonwealth.

Commonwealth Actuary, should be paid by the Commonwealth to the Fund as the result of the application of the following formula :—

$$\frac{(A - B)}{A} \times C.$$

(2.) For the purpose of making calculations in accordance with the formula contained in the last preceding sub-section—

- (a) A means the capital value, as at the date when contributions by the member cease to be payable, and at the prescribed rate of interest, of the pensions which become, and may become, payable to or in respect of the member ;
- (b) B means the accumulated value, as at the date when contributions by the member cease to be payable, and at the prescribed rate of interest, of the contributions paid to the Fund by the member (including any amount of deferred pay and interest thereon paid to the Fund under the provisions of sub-section (4.) of section seventy-eight of this Act, and any amount paid from the Superannuation Fund into the Fund under the provisions of section eighty-two of this Act); and
- (c) C means the amount of each payment of pension :

Provided that, if the member is entitled to a refund of contributions as well as to pension, the accumulated value as represented by B shall be reduced by the amount of the contributions to be refunded.

Payments by Commonwealth in respect of benefits other than pensions.

33. In respect of a payment of benefit made to a member in accordance with the provisions of this Act, other than a benefit by way of pension, the Commonwealth shall pay to the Fund a sum representing the excess of the amount of benefit payable over the accumulated value, as at the date of payment and at the prescribed rate of interest, of the contributions paid to the Fund by the member (including any amount of deferred pay and interest thereon paid to the Fund under the provisions of sub-section (4.) of section seventy-eight of this Act and any amount paid from the Superannuation Fund into the Fund under the provisions of section eighty-two of this Act) :

Provided that, if the member is entitled to a pension as well as to a refund of contributions, the Commonwealth shall pay to the Fund the amount of the gratuity (if any) payable to the member.

Application of surplus.

34. If as the result of any investigation of the Pensions Account made in pursuance of section twenty-two of this Act the Commonwealth Actuary certifies—

- (a) that there is a surplus in the Pensions Account—the Treasurer may direct that the whole or any part of the surplus shall be used to reduce, during such period as the Treasurer specifies, the payments by the Commonwealth to the Fund ;
or

(b) that there is a deficiency in the Pensions Account—the Treasurer may direct that additional sums, not exceeding in the aggregate the amount of the deficiency, shall be paid, in such amounts and during such period as he specifies, by the Commonwealth to the Fund.

35.—(1.) Payments by the Commonwealth to the Fund for the purposes of this Act shall be made from the Consolidated Revenue Fund which is hereby appropriated accordingly. Appropriation.

(2.) The payments shall be made in such manner and at such periods as are prescribed.

Division 5.—General Provisions as to Contributions.

36. A member who is on leave of absence, either with or without pay, shall pay his contributions during or in respect of the period of leave, as for a period of service, without reduction. Contributions while on leave.

37. The contributions of members shall be deducted fortnightly from their pay and shall be paid, without deduction for postage, forwarding or exchange, to the Board: Deduction of contributions.

Provided that, where a member is on leave of absence through illness, either without pay or at less than full pay, the Board may, upon his application, permit the contributions falling due during his absence to be paid by him in such smaller sums, and at such periods, as the Board approves.

PART V.—PENSIONS AND BENEFITS.

Division 1.—Grant of Pensions and Benefits.

38.—(1.) An officer who is a contributor and who has completed twenty years' service for pension shall be entitled to a pension on his retirement on or after attaining the retiring age for the rank held by him. Pension on retirement after twenty years' service for pension—officers.

(2.) Subject to the provisions of section fifty of this Act, the pension payable under this section shall be the pension set out, opposite the rank of the officer, in the Third Schedule.

39.—(1.) An officer who is a contributor and who has completed fifteen years' service for pension, but has not completed twenty years' service for pension, shall be entitled to a pension on his retirement on or after attaining the retiring age for the rank held by him. Pension on retirement after fifteen years' service for pension—officers.

(2.) Subject to the provisions of section fifty of this Act, the pension payable under this section shall be the pension set out opposite the rank of the officer in the Third Schedule, less a deduction for each year or part of a year by which his service for pension is less than twenty years.

(3.) The deduction under the last preceding sub-section shall be calculated in accordance with the scale of deductions set out in the Fourth Schedule.

Benefits after less than fifteen years' service for pension—officers.

40. An officer who is a contributor shall, on retirement on or after attaining the retiring age for the rank held—

- (a) if he has, at the date of retirement, completed ten years' service for pension but has not completed fifteen years' service for pension—be entitled to a refund of the amount of his contributions and to receive a gratuity equal to one and one half times the amount of those contributions ;
or
- (b) if he has not, at the date of retirement, completed ten years' service for pension—be entitled to a refund of the amount of his contributions.

Pensions after twenty years—other ranks.

41.—(1.) A member (not being an officer) who is a contributor and who has completed twenty years' service for pension prior to attaining the retiring age for the rank held, shall be entitled to a pension on his retirement after completion of his engagement or, if he has had successive and continuous engagements, after completion of the last of those engagements.

(2.) Subject to the provisions of section fifty of this Act, the pension payable under this section shall be the pension set out in column Four of the Fifth Schedule, opposite the rank held by the member on his retirement, together with, in the case of a member who has completed more than twenty years' service for pension prior to attaining the retiring age for his rank, an additional pension for each completed year of such service in excess of twenty years, at the rate set out in column Five of that Schedule, opposite the rank held by him on retirement.

(3.) Where a member is entitled to a pension under this section, he shall, in addition to pension, be entitled on retirement—

- (a) in the case of a member who serves beyond the retiring age for his rank—to a refund of the amount of the contributions (not being contributions paid for the purposes of subsection (5.) of section twenty-three of this Act) paid by him subsequent to the completion of the last year of service for pension which was completed prior to the date of his attaining the retiring age for his rank, and to be paid a gratuity equal to one and one half times the amount of those contributions ;
- (b) in the case of any other member—to a refund of the amount of the contributions paid by him in respect of any year of service for pension which, at the date of his retirement, had not been completed, and to be paid a gratuity equal to one and one half times the amount of those contributions.

Gratuity where not pensionable—other ranks.

42.—(1.) Subject to this section, a member (not being an officer) who is a contributor and who, on retirement after completion of his engagement, or, if he has had successive and continuous engagements, after completion of the last of those engagements, is not entitled to a pension under the provisions of the last preceding section, shall, on

retirement, be entitled to a refund of the amount of any contributions paid by him under this Act and to receive a gratuity equal to—

- (a) one and one half times the amount of those contributions ; or
- (b) an amount of Twenty pounds for each completed year of service for pension,

whichever is the greater.

(2.) In the case of a member who on retirement—

- (a) has not completed twelve year's service for pension—the amount of the gratuity shall not be greater than One hundred and twenty pounds ; and
- (b) has completed twelve years' service for pension—the gratuity shall not be less than a sum calculated at the rate of Thirty pounds for each completed year of service for pension.

(3.) If a member to whom this section applies, is on retirement requested by the Service Board to serve on the Reserve maintained by the Service of which he was a member, and does not agree so to serve—

- (a) in the case of a member who on retirement has not completed twelve years' service for pension—he shall not be entitled to be paid any gratuity under this section ; and
- (b) in the case of a member who on retirement has completed twelve years' service for pension—the gratuity to which he shall be entitled under this section shall be a sum calculated at the rate of Twenty pounds for each completed year of service for pension.

(4.) For the purpose of this section "service for pension" shall be deemed to include any service after the thirtieth day of June, One thousand nine hundred and forty-seven, as a member, prior to attaining the age of twenty years, under the engagement or successive and continuous engagements referred to in sub-section (1.) of this section, but does not include any period of such service under an initial engagement of less than six years.

43. Except as otherwise provided in this Act, where a member (not being an officer), who is a contributor, retires before completing the engagement under which he was serving immediately prior to his retirement, he shall be entitled to a refund of the amount of any contributions paid by him under this Act in respect of the period served under the uncompleted engagement and shall also be entitled, as from the date of his retirement, to the pension or benefits (if any) to which he would have been entitled if he had retired immediately before commencing to serve under that engagement:

*Non-completion
of engagement.*

Provided that a member who has completed twenty years' service for pension prior to attaining the retiring age for his rank and retires with the approval of the Service Board shall not be entitled to a refund under this section, but shall be entitled to the same pension as that to which he would have been entitled if the pension had been granted under section forty-one of this Act and if the engagement, which was

uncompleted at the date of his retirement, had been an engagement for the completed portion thereof and he had retired on the completion of that engagement.

Completion of engagement.

44. For the purposes of the last three preceding sections a member shall not be deemed to have completed an engagement unless he has served under the engagement up to the date upon which the engagement was due to terminate.

Pension on retirement at age sixty.

45. Notwithstanding anything contained in sections thirty-eight, thirty-nine and forty-one of this Act—

- (a) if any member to whom any of those sections applies retires, on or after attaining the age of sixty years, the pension payable to that member on retirement shall not be less than a pension calculated at the rate of Thirty-two pounds ten shillings per annum for each unit in respect of which contributions have been completed up to the age of sixty years; and
- (b) if any such member retires not less than one year after attaining the age of sixty years, the pension payable to him shall be increased by an amount ascertained by multiplying the portion of the pension which is the actuarial equivalent of the contributions paid by him by a percentage ascertained in accordance with the following table :—

Age attained on retirement.	Percentages.
61 years	5
62 years	10
63 years	16
64 years	23
65 years or over	31

Retirement after age fifty-seven—officers.

46.—(1.) Where the retiring age for the rank held by an officer who is entitled to a pension under either section thirty-eight or thirty-nine of this Act is not less than fifty-seven years, and the officer continues to serve beyond that retiring age but retires before attaining the age of sixty years, and the pension to which he is entitled under that section is less than the pension which would have been payable to him if he had continued to serve until he attained the age of sixty years, he shall on retirement be entitled, in addition to the pension payable to him under that section, to an additional pension for each completed year of service beyond the retiring age for the rank held by him, and the additional pension shall be calculated as provided in the next succeeding sub-section.

(2.) For the purpose of the last preceding sub-section, the additional pension for each completed year of service beyond the retiring age for the rank held on retirement shall be calculated by dividing the difference between the pension payable to the officer under either section thirty-eight or thirty-nine of this Act, whichever is applicable, and the pension which would have been payable to him if he had

continued to serve until he attained the age of sixty years, by the number of years by which the retiring age for the rank held is less than sixty years.

(3.) Any contributions (not being contributions paid for the purposes of sub-section (5.) of section twenty-three of this Act) paid by an officer to whom this section applies, in respect of an incomplete year of service beyond the retiring age for the rank held, shall, on his retirement, be refunded to him and he shall be entitled to receive a gratuity equal to one and one half times the amount of those contributions.

47. Where an officer who is a contributor, not being an officer to whom either of the last two preceding sections applies, continues to serve beyond the retiring age for the rank held by him, he shall on retirement be entitled, in addition to any pension payable to him in respect of his rank under the provisions of section thirty-eight or thirty-nine of this Act, to a refund of the amount of the contributions (not being contributions paid for the purposes of sub-section (5.) of section twenty-three of this Act) paid by him subsequent to his attaining that retiring age and to receive a gratuity equal to one and one half times the amount of those contributions.

Gratuity for
service after
age for
retirement.

48.—(1.) Where an officer who is a contributor retires before reaching the retiring age for the rank held by him (otherwise than on the ground of invalidity or of physical or mental incapacity to perform his duties) and the Board is satisfied that the purpose of the retirement of the officer is to meet the needs of the Service he shall be entitled to benefits in accordance with the provisions of this section.

Retirement
before
reaching
retiring age.

(2.) If, at the date of retirement of the officer, he has completed twenty years' service for pension, he shall, subject to section fifty of this Act, and to the next two succeeding sub-sections, be entitled on retirement to a pension in accordance with section thirty-eight of this Act, for the rank held by him less a deduction, in accordance with the scale of deductions set out in the Fourth Schedule, in respect of each year or part of a year by which his age is less than the retiring age for the rank held by him.

(3.) Where the officer referred to in the last preceding sub-section, had, at the date of his retirement, completed the period of service for pension, set out opposite the rank held by him, in the scale in the Sixth Schedule—

- (a) if the date of retirement is within two years of the date of his attaining the retiring age for the rank held by him—he shall on retirement be entitled to a pension, in accordance with section thirty-eight of this Act, for the rank held by him, and no deduction shall be made therefrom; or
- (b) if the date of retirement is not within two years of the date of his attaining the retiring age for the rank held by him—the deduction to be made from the pension shall be determined by subtracting two years from the number of years by which his age is less than the retiring age for the rank held by him.

(4.) The pension payable to an officer under either of the last two preceding sub-sections shall not be reduced by deductions to a pension less than that to which he would have been entitled if he were an officer of the next lower rank and had retired at the same age.

(5.) If, at the date of his retirement the officer has not completed twenty years' service for pension, but has completed twelve years' service for pension, he shall be entitled to a refund of the amount of his contributions and to receive a gratuity equal to—

- (a) one and one half times the amount of those contributions ; or
- (b) an amount of Thirty pounds for each completed year of service for pension,

whichever is the greater.

(6.) If, at the date of his retirement the officer has completed less than twelve years' service for pension, he shall be entitled to a refund of the amount of his contributions.

**Alteration of
retiring age—
officers.**

49. If the retiring age for the rank held by a member who is an officer is, at any time after the commencement of this Act, lowered or raised, any pension or benefit payable under this Act to or in respect of that member shall be such as is prescribed :

Provided that, where the retiring age has been raised, the rate of pension or benefit so prescribed shall not be less than the rate of pension or benefit which would be payable to or in respect of the member under this Act if the retiring age had not been raised.

**Service on
Reserve.**

50.—(1.) Notwithstanding anything contained in this Act, if any member who on retirement is entitled to a pension under this Act is, on retirement, requested by the Service Board to serve on the Reserve maintained by the Service of which he was a member, and does not agree so to serve, the pension payable to that member shall be two and one half times the pension which is the actuarial equivalent of the value of the contributions made by him, accumulated at the prescribed rate of interest and at the date when his contributions cease to be payable, after excluding any contributions refunded to him.

(2.) If the member on retirement agrees so to serve on that Reserve and, at any time thereafter, is released at his own request from his agreement, the pension payable to him, as from the date of his release, shall be the pension which would have been payable to him under the last preceding sub-section if he had not agreed so to serve on that Reserve.

(3.) When any member to whom the last preceding sub-section applies is, at his own request, released from his agreement, the Service Board shall forthwith notify the Board of the release.

**Classification
of percentage
of incapacity.**

51. Where a member who is a contributor has been, or is about to be, retired on the ground of invalidity or of physical or mental incapacity to perform his duties, not, in the opinion of the Board,

due to wilful action on his part for the purpose of obtaining pension or benefit, the Board shall determine the percentage of total incapacity of the member in relation to civil employment and shall classify the member according to the percentage of incapacity as follows :—

Percentage of Incapacity.	Class.
60 or over	A.
30 and less than 60	B.
Under 30	C.

52.—(1.) A member who is retired and who is classified as Class A under the last preceding section shall, on retirement, be entitled to a pension at the rate of Thirty-two pounds ten shillings per unit per annum in respect of the units and part of a unit for which contributions were being paid by him immediately prior to his retirement and in respect of each fully paid unit or part of a unit credited to him under the provisions of sub-section (4.) of section seventy-eight of this Act. Pension payable on incapacity.

(2.) A member who is retired and who is classified as Class B under the last preceding section shall, on retirement—

- (a) if he is an officer who has completed twenty years' service for pension—be entitled to a pension for the rank held by him at the date of retirement in accordance with the scale set out in the Third Schedule ;
- (b) if he is a member (not being an officer) who has completed twenty years' service for pension prior to attaining the retiring age for his rank—be entitled to the pension to which he would have been entitled under section forty-one of this Act, if the engagement which was uncompleted at the date of his retirement had been completed by him and he had retired on the completion thereof ; and
- (c) if he is a member who has not completed twenty years' service for pension—be entitled to a pension at the rate of Sixteen pounds five shillings per unit per annum in respect of the units and part of a unit for which contributions were being paid by him immediately prior to his retirement and in respect of each fully paid unit or part of a unit credited to him under the provisions of sub-section (4.) of section seventy-eight of this Act.

(3.) A member who is retired and who is classified as Class C under the last preceding section shall, on retirement—

- (a) if he is an officer who has completed twenty years' service for pension—be entitled to the same pension as that to which he would have been entitled had the pension been granted under section forty-eight of this Act ;

(b) if he is a member (not being an officer) who has completed twenty years' service for pension prior to attaining the retiring age for his rank—be entitled to the same pension as that to which he would have been entitled if the pension had been granted under section forty-one of this Act and if the engagement which was uncompleted at the date of his retirement had been an engagement for the completed portion thereof and he had retired on the completion of that engagement; and

(c) if he is a member who has not completed twenty years' service for pension—be entitled to a refund of his contributions under this Act and to receive a gratuity equal to either one and one half times the amount of his contributions or an amount calculated at the rate of Thirty pounds for each completed year of service for pension, whichever is the greater.

(4.) Notwithstanding anything contained in the last two preceding sub-sections—

(a) a member to whom either paragraph (a) or (b) of sub-section (2.) of this section applies may elect to receive pension in accordance with paragraph (c) of that sub-section; and

(b) a member to whom either paragraph (a) or (b) of sub-section (3.) of this section applies may elect to receive benefit in accordance with paragraph (c) of that sub-section,

in lieu of the pension to which he would otherwise have been entitled and on his so electing he shall be entitled to such pension or benefit accordingly.

**Reclassification
of percentage
of incapacity.**

53.—(1.) The Board may, from time to time, if it is satisfied that the percentage of incapacity of a pensioner classified under section fifty-one of this Act has altered, or, because of the nature of his employment, should be varied, reclassify him in accordance with the altered percentage of incapacity.

(2.) When a pensioner is reclassified under this section, he shall be entitled, from such date as is specified by the Board, to pension, at the rate appropriate to his reclassification, in accordance with section fifty-two of this Act.

(3.) Where a pensioner is reclassified under this section as Class C and, at the date of his retirement, he had—

(a) if an officer, not completed twenty years' service for pension; and

(b) if a member other than an officer, not completed twenty years' service for pension prior to attaining the retiring age for his rank,

he shall be paid the excess (if any) of the sum of the payments referred to in paragraph (c) of sub-section (3.) of section fifty-two of this Act over the total payments of pension received by him under that section, and shall not thereafter be entitled to any pension under that section.

54. Where a member is retired on the ground of invalidity or physical or mental incapacity to perform his duties and the invalidity or incapacity is, in the opinion of the Board, due to wilful action on his part for the purpose of obtaining pension, he shall, subject to the regulations, be entitled to a refund of his contributions under this Act. Incapacity due to wilful action.

55.—(1.) On the death before retirement of a married member who is a contributor, pension shall be paid to his widow as follows :— Pension on death of married member.

(a) during her life—a pension at the rate of Sixteen pounds five shillings per unit per annum in respect of the units and part of a unit for which contributions were being paid by the member immediately prior to his death and in respect of each fully paid unit or part of a unit credited to him under the provisions of sub-section (4.) of section seventy-eight of this Act ; and

(b) in respect of each of her or the member's children (except children of her remarriage) who are under the age of sixteen years—a pension at the rate of Thirteen pounds per annum.

(2.) On the death of a widow who was in receipt of a pension under the last preceding sub-section, pension shall, in addition to the pension payable in pursuance of paragraph (b) of that sub-section, be payable, in respect of each of the children of the widow (except children of her remarriage) or of the member, who are under the age of sixteen years, at the rate of Thirteen pounds per annum.

(3.) Where the member had attained the age of sixty years before his death, the pension payable to his widow under paragraph (a) of sub-section (1.) of this section shall be increased by one half of the amount (if any) by which the pension, which would have been payable to the member if he had retired immediately prior to his death, would have been increased under paragraph (b) of section forty-five of this Act.

56. Where an officer who is a contributor retires on the ground of invalidity or of physical or mental incapacity to perform his duties or dies, and the officer was, immediately prior to his retirement or death, serving under a commission which is a short service commission within the meaning of the appropriate Service Regulations and, under the terms of his appointment to that commission, he was, on retirement, or some other person was on his death, entitled to the payment of a gratuity otherwise than under this Act, and the officer or, in the case of his death, that other person, elects to be paid the amount of that gratuity, the amount of the contributions made by the officer under this Act shall be paid to him or in the case of his death to that other person, and no pension or other benefit under this Act shall be payable to or in respect of the officer. Alternative benefits for officers serving under short service commissions.

Pension on death of pensioner.

57.—(1.) On the death of a male pensioner, pension shall, subject to this section, be paid to his widow as follows :—

- (a) during her life—one half of the pension payable to her husband at the time of his death ; and
- (b) in respect of each of her or the pensioner's children (except children of her remarriage) who are under the age of sixteen years—a pension at the rate of Thirteen pounds per annum.

(2.) For the purposes of the last preceding sub-section, the pension payable to the widow of a male pensioner during her life shall, in any case where the male pensioner has commuted any portion of his pension, be calculated upon the rate of pension which would have been payable to the male pensioner at the time of his death if no portion had been commuted.

(3.) If the male pensioner, at the time of his death, was a pensioner under section fifty-two or fifty-three of this Act, and the Board is satisfied that his death was due to the disease or injury which was the cause of his retirement, the pension payable to his widow shall be at the rate of Sixteen pounds five shillings per unit per annum in respect of the units and part of a unit for which contributions were being paid by the pensioner immediately prior to his retirement and in respect of each fully paid unit or part of a unit credited to him under the provisions of sub-section (4.) of section seventy-eight of this Act.

(4.) On the death of a widow who was in receipt of a pension under the foregoing provisions of this section, pension shall, in addition to the pension payable in pursuance of paragraph (b) of sub-section (1.) of this section, be payable, in respect of each of the children of the widow (except children of her remarriage) or of the male pensioner, who are under the age of sixteen years, at the rate of Thirteen pounds per annum.

Pensions payable in respect of orphans.

58.—(1.) Where the wife of a member who is a contributor or of a male pensioner is dead or divorced, and the member or pensioner dies leaving children of himself or of his wife who are under the age of sixteen years and who were dependent upon him at the time of his death, the pension payable under this Act in respect of each child shall be at the rate of Twenty-six pounds per annum.

(2.) Where the present value, as determined by the Commonwealth Actuary, of a pension or pensions payable, on the death of a member, in pursuance of the last preceding sub-section is less than the contributions made by him, the amount of the difference shall be paid to the personal representatives of the member or, failing them, to such persons (if any) as the Board determines.

Benefits on death of unmarried contributor.

59. Where a member, who is unmarried or is a widower without children under the age of sixteen years, dies before retirement, the contributions paid by him shall be paid to his personal representatives, or, failing them, to such persons (if any) as the Board determines.

60.—(1.) Where a contributor is dismissed from the Service or his commission is cancelled or, except in the circumstances provided for in section forty-eight or fifty-two of this Act, he retires before attaining the retiring age for the rank held by him, he shall, subject to the regulations and unless otherwise entitled to benefit under this Act, be entitled to a refund of the amount of the contributions paid by him under this Act.

Refund of contributions on dismissal or premature retirement.

(2.) Where a contributor has, under the last preceding sub-section, received a refund of the amount of his contributions, and again becomes a member and a contributor, he shall contribute as provided in section twenty-three of this Act, but shall not be entitled to claim any further benefit in respect of his previous service.

61.—(1.) Where a pensioner deserts his wife or leaves her without means of support, the wife may, from time to time, apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate, and, on proof that the wife has been deserted or left without means of support, the court may order the payment to the wife, during such period as it thinks fit, of the whole or part of the pension which otherwise would be payable to the pensioner.

Desertion by male pensioner of wife or children.

(2.) Where a pensioner, whose wife is dead or divorced, deserts any of his children who are dependent on him, or leaves them without means of support, the guardian of the children, or the Board, may, from time to time, apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate, and, on proof that any child of the pensioner who is dependent on him has been deserted or left without means of support, the court may order the payment to the guardian of the children, during such period as it thinks fit, of the whole or part of the pension which otherwise would be payable to the pensioner.

(3.) The Board shall comply with any order made under this section and the amount of the pension payable to the pensioner shall be reduced by the amount payable to the wife or the guardian, as the case may be, in pursuance of the order.

62.—(1.) Where a male pensioner is sentenced to imprisonment for any period exceeding one month, the Board may cause his pension or any part thereof, to be paid, in such manner and subject to such conditions as the Board directs, during the period of imprisonment, to his wife, or if his wife is dead or divorced, for the benefit of such of the children of himself or of his late wife as are under the age of sixteen years.

Disposal of pension on imprisonment.

(2.) Where a female pensioner is sentenced to imprisonment for any period exceeding one month, the Board may cause her pension or any part thereof, and any pension payable to her in respect of children, to be paid, in such manner and subject to such conditions as the Board directs, during the period of imprisonment, for the benefit of such of the children of the pensioner, or of her late husband, as are under the age of sixteen years.

Disposal of pension on insanity of pensioner.

63.—(1.) Where a male pensioner is detained as a patient in a hospital for the insane, the Board may cause his pension, or any part thereof, to be paid, in such manner and subject to such conditions as the Board directs, during the period of detention, to his wife if alive, or if his wife is dead or divorced, for the benefit of such of the children of himself or of his late wife as are under the age of sixteen years.

(2.) Where a female pensioner is detained as a patient in a hospital for the insane, the Board may cause her pension, or any part thereof, to be paid, in such manner and subject to such conditions as the Board directs, during the period of detention, for the benefit of such of the children of the pensioner, or of her late husband, as are under the age of sixteen years.

Childrens' pensions payable to guardian.

64.—(1.) Where pensions in respect of children are payable under this Act at the rate of Twenty-six pounds per annum the pensions shall be payable to the guardian of the children to be used for their support and education.

(2.) Notwithstanding anything contained in this Act, any money payable out of the Fund in respect of a child under the age of sixteen years may, at the discretion of the Board, be paid to the guardian of the child or expended by the Board for the benefit of the child.

General provisions as to pensions.

65.—(1.) Except where otherwise provided in this Act, a pension shall be payable during the life of the person entitled thereto.

(2.) Pensions in respect of children shall be payable until they attain the age of sixteen years or die before attaining that age.

(3.) A person who is the widow of a deceased member or pensioner and is in receipt of a pension under this Act shall, upon remarriage, cease to be entitled to receive a pension except in respect of children.

(4.) Where a male pensioner marries after his retirement, pension shall not, upon the death of the pensioner, be payable to the widow or in respect of any child of the marriage.

Instalments of pension.

66.—(1.) Pensions shall be paid in fortnightly instalments.

(2.) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.

(3.) The amount of a pension payable in respect of each day shall be one-fourteenth of the amount of a fortnightly instalment.

Payment of pensions otherwise than to pensioner.

67. Where, in the opinion of the Board, payment of pension, refund of contributions or other benefit under this Act should be made to a person other than the pensioner or beneficiary, the Board may, subject to this Act, authorize payment to such person accordingly.

Commencement of pensions or benefits.

68. Subject to this Act, where any member becomes liable under this Act to contribute in respect of any units or additional units, he shall be deemed to be a contributor in respect of those units or

additional units as from the date when he becomes liable to contribute, but, if any pension or benefit becomes payable to or in respect of that member before he has actually commenced to make contributions or additional contributions, there shall be deducted from the first payment of pension or benefit such contributions as are due by him in respect of those units or additional units or, if a pay day has not occurred before the pension or benefit becomes payable, one fortnightly contribution.

69.—(1.) Where a pensioner is employed by the Commonwealth or by an approved authority for more than twenty-eight working days in any period of twelve months and is paid salary or wages in respect of that employment, so much of the pension as is equivalent to the amount payable by the Commonwealth under section thirty-two of this Act shall be cancelled during the period of employment in excess of those twenty-eight working days. Re-employment
of pensioner.

(2.) The rate of pension payable under section fifty-seven of this Act to the widow of a pensioner who died or dies while so employed shall not be affected by the fact that he was so employed.

(3.) Where a person in receipt of a pension under section fifty-five or fifty-seven of this Act becomes an employee, as defined in section four of the *Superannuation Act 1922-1948*, so much of her pension as is equivalent to the amount payable by the Commonwealth under section thirty-two of this Act shall be cancelled during the period of employment.

(4.) Where a person referred to in the last preceding sub-section is a contributor under the provisions of the *Superannuation Act 1922-1948*, she shall, on retirement on pension under that Act, be entitled to receive, in addition to such pension—

- (a) the proportion of the pension payable under this Act which is based upon the contributions paid by her husband ; and
- (b) the amount (if any) by which the proportion of the pension payable by the Commonwealth under this Act exceeds the proportion of the pension payable by the Commonwealth under the *Superannuation Act 1922-1948*.

(5.) Where a person referred to in sub-section (3.) of this section is a contributor to the Provident Account under the provisions of the *Superannuation Act 1922-1948*, she shall, on ceasing to be such a contributor, be entitled to receive a pension at the same rate as that which she was receiving under this Act at the date of commencement of her employment :

Provided that nothing in this sub-section shall authorize payment of pension in respect of a child who has attained the age of sixteen years.

Contributions
and pensions
under
Superannuation
Act 1922-1948
to cease.

70. A member shall not, on and after the appointed date, be required or permitted to contribute for units of pension under the *Superannuation Act 1922-1948*, nor shall pension under that Act be payable to or in respect of the member.

Absence or
desertion.

71. Pension or gratuity shall not be payable under this Act to, or in respect of, any member who absents himself without leave for more than twenty-one days or becomes a deserter and who, during the period of absence or desertion, becomes incapacitated or dies.

Prevention of
double
retirement
benefit.

72.—(1.) Where in this Act provision is made for the payment to a member of a gratuity and the gratuity is calculated by reference to an amount for each completed year of service for pension by the member, any period of the service for pension by the member, as a member of the Permanent Naval Forces or as an officer of the Permanent Air Force, and in respect of which deferred pay was credited to him and either paid to him on his retirement or paid by the Commonwealth to the Fund under the provisions of sub-section (4.) of section seventy-eight of this Act shall not be included in his service for pension for the purpose of such calculation.

(2.) For the purposes of this section “deferred pay”, in relation to an officer of the Permanent Air Force, shall not include deferred pay under the Air Force (War Financial) Regulations.

Pension and
benefit to
members under
eighteen years
of age.

73. A member who is a cadet or an apprentice or who is serving under an initial engagement for a period of not less than six years and who, prior to attaining the age of eighteen years, is retired, on the ground of invalidity or of physical or mental incapacity to perform his duties, not, in the opinion of the Board, due to wilful action on his part for the purpose of obtaining pension or benefit, shall be entitled to pension or benefit as set out in column Two of the Eighth Schedule.

Division 2.—Commutation of Pension.

Commutation
of pension.

74.—(1.) Subject to such conditions as are prescribed, a pensioner who has not attained the age of fifty-seven years may apply to the Board for the commutation of a proportion of his pension, not exceeding fifty per centum thereof.

(2.) When an application is made to the Board under this section, the Board may, at its discretion, grant or refuse the application, or grant the application subject to such terms and conditions as the Board thinks fit.

PART VI.—APPLICATION OF THIS ACT TO SERVING MEMBERS.

Interpretation.

75.—(1.) In this Part, “serving member” means a member who was a member at the date of the commencement of this Act.

(2.) In the application of the provisions of this Act to serving members—

- (a) the expression “ service for pension ” shall include service for pension, as defined in section four of this Act, whether the service was rendered before or after the commencement of this Act ;
- (b) wherever reference is made to the contributions of a member, the reference shall include all contributions which have been made by him under the provisions of the *Superannuation Act 1922-1948*, and the reserve value of which has been paid into the Fund under the provisions of section eighty-two of this Act.

76. The provisions of this Act shall not apply to a serving member who, at the date of the commencement of this Act, had attained the retiring age for the rank held by him, unless the member, immediately prior to that date, was an employee within the meaning of section sixty A of the *Superannuation Act 1922-1948* and was a contributor under that Act, but subject to this Part, the provisions of this Act shall apply to serving members as from the date of the commencement of this Act.

Application of
Act to serving
members.

77.—(1.) This section shall apply to serving members (not being officers as defined in section sixty A of the *Superannuation Act 1922-1948*) who were, immediately prior to the appointed date, contributors under the provisions of the *Superannuation Act 1922-1948*.

Transfers from
*Superannuation
Act 1922-1948*
to this Act.

(2.) A serving member to whom this section applies shall, subject to this section, continue to contribute for the purposes of this Act, at the rate of his contributions under the *Superannuation Act 1922-1948*, and, if those contributions are in respect of the number of units appropriate under this Act to his pay group, he shall be entitled to pension and benefits in accordance with this Act.

(3.) Where a serving member to whom this section applies was not contributing in respect of the full number of units for which he was entitled to contribute under the *Superannuation Act 1922-1948* he shall, for the purposes of this Act, continue to pay the same contributions, and shall, where the benefits are calculated in accordance with the number of units, be entitled to pension and benefits under this Act in respect of the same number of units as the number for which he was contributing under the *Superannuation Act 1922-1948* and, where the pension is calculated in accordance with rank, the pension he shall receive shall bear the same proportion to the pension to which he would otherwise be entitled under this Act as the number of units for which he was actually contributing bears to the number of units for which he would otherwise be required to contribute.

(4.) When the pay of a serving member to whom this section applies is increased and, by reason of the increase, falls within a higher pay group as set out in the First Schedule, the member shall pay additional contributions in accordance with this Act.

(5.) Where a serving member referred to in sub-section (3.) of this section elects, within four months after the date of the commencement of this section or within such extended period as is prescribed, to increase his contributions under this Act, the Board shall determine the extent of the increased benefits to which the member shall be entitled by reason of the increased contributions.

(6.) Where a serving member to whom this section applies was contributing under the *Superannuation Act 1922-1948* for a pension payable on retirement at the age of sixty-five years, he shall, as from the appointed date, pay contributions at the rate which he would have paid under that Act if, from the date when he first commenced to contribute for those units, he had been a contributor for benefits at age sixty.

(7.) As from the date upon which a serving member to whom this section applies becomes liable to contribute under this Act, he shall not be required or permitted to contribute for units of pension under the *Superannuation Act 1922-1948* nor shall any pension or benefit be payable under that Act to or in respect of that member.

Elections by
members
entitled to
deferred pay.

78.—(1.) Where a serving member (not being a member to whom the last preceding section applies) would be entitled on his retirement to receive any payment of deferred pay, he may elect—

- (a) to become a contributor for full benefits under this Act ;
- (b) to become a contributor for limited benefits under this Act ;
- or
- (c) not to become a contributor under this Act :

Provided that a serving member, who is an officer as defined in section sixty A of the *Superannuation Act 1922-1948*, was immediately prior to the appointed date, a contributor under the provisions of that Act, shall not be entitled to elect not to become a contributor under this Act and shall be subject to the provisions of the next succeeding section.

(2.) An election under the last preceding sub-section shall be made in writing to the Board within four calendar months after the appointed date (or within such extended period as is prescribed) and, if within that period, he does not forward his election to the Board, he shall be deemed to have elected to become a contributor for full benefits under this Act, as from that date.

(3.) A member shall not be permitted to vary any election he has made or is deemed to have made under this section.

(4.) If a member elects under this section to become a contributor for full benefits under this Act—

- (a) the amount of any deferred pay and interest thereon credited or accrued to him at the date of the commencement of this Act shall be paid by the Commonwealth to the Fund, and shall be credited as payment of contributions in respect of fully paid units, calculated in accordance with the scale set out in the Seventh Schedule :

Provided that, in any case where provision is made under this Act for the payment to a member of a gratuity and the gratuity is calculated by reference to the amount of the contributions made by the member under this Act, the amount credited to him as payment of contributions under this paragraph shall not be deemed to be contributions for the purpose of that calculation ; and

- (b) as from the appointed date, the member shall contribute under this Act in respect of such number of units (including where necessary a part of a unit) as represents the difference between the units appropriate to his pay group as set out in the First Schedule and the number of units or part of a unit as are fully paid.

(5.) If a member elects under this section to become a contributor for limited benefits under this Act—

- (a) the amount of any deferred pay and interest thereon, credited to him at the date of the commencement of this Act, shall be retained by the Commonwealth and the amount so credited to him, together thereafter with interest at the rate of three and one half per centum per annum or such other rate as is prescribed shall, subject to the regulations, be paid by the Commonwealth to him on his retirement or to his legal personal representative on his death ; and

- (b) the member shall, as from the appointed date, contribute under this Act in respect of such number of units (including where necessary a part of a unit) as represent the difference between the units appropriate to his pay group as set out in the First Schedule and the number of units or part of a unit which would have been fully paid if he had become a contributor for full benefits under this Act.

(6.) Where a member elects under this section to become a contributor for limited benefits under this Act, any pension payable under this Act to the member on his retirement or to his widow on his death shall bear the same ratio to the pension which would have been payable if he had elected to become a contributor for full benefits under this Act, as the number of units in respect of which he is contributing bears to the number of such units in respect of which he would contribute if he had so elected.

(7.) For the purposes of this section, the expression "deferred pay" does not include that part of an apprentice's pay, payment of which is, under the terms of his apprenticeship, deferred until the completion or termination of his apprenticeship.

(8.) If a member elects under this section not to become a contributor under this Act, he shall not be required or permitted to contribute to the Fund and shall not be entitled to any benefit under this Act.

Air Force
officers
contributing
under
Superannuation
Act 1922-1948.

79. Where a serving member, who is an officer as defined in section sixty a of the *Superannuation Act 1922-1948*, was immediately prior to the appointed date, a contributor under the provisions of that Act, the following provisions shall apply :—

- (a) the amount of the reserve value held by the Superannuation Fund under the *Superannuation Act 1922-1948* in respect of the contributor shall be paid from the Superannuation Fund into the Fund ;
- (b) if he elects to become a contributor for full benefits or for limited benefits under this Act, the reserve value paid to the Fund shall be used to reduce the contributions payable to the Fund under paragraph (b) of sub-section (4.), or paragraph (b) of sub-section (5.), of section seventy-eight of this Act by such an amount as the Board determines ;
- (c) if he does not elect to become a contributor for full benefits or for limited benefits under this Act he shall, for the purposes of this Act, continue to pay the same contributions as he was paying, and shall be entitled under this Act to the same benefits as those to which he would have been entitled, under the *Superannuation Act 1922-1948* ;
- (d) where the pay of a serving member referred to in the last preceding paragraph is increased and, by reason of the increase, falls within a higher pay group, the member shall pay additional contributions as prescribed.

Election not to
contribute
under this Act.

80. Where a serving member not being an officer was not, immediately prior to the appointed date, a contributor under the provisions of the *Superannuation Act 1922-1948*, he may elect not to become a contributor under this Act.

Minimum
benefits for
contributors
under
Superannuation
Act 1922-1948.

81. Where a serving member, who was a contributor under the provisions of the *Superannuation Act 1922-1948*, becomes a contributor under this Act and is entitled on his retirement to the benefits provided under the provisions of section forty or forty-two of this Act the amount payable to him under that section shall not be less than twice the amount of the contributions which have been paid by him.

82. Where, by virtue of this Act, a serving member who was a contributor under the provisions of the *Superannuation Act 1922-1948* becomes a contributor under this Act, the amount of the reserve value held by the Superannuation Fund under that Act in respect of the contributor, as determined by the Commonwealth Actuary, shall be paid from the Superannuation Fund into the Fund.

Transfers from Superannuation Fund to the Fund under this Act.

PART VII.—MISCELLANEOUS.

83.—(1.) Any dispute under this Act shall be determined in the first place by the Board :

Decision of disputes.

Provided that any person aggrieved by a decision of the Board may appeal to the High Court constituted by a single Justice of that Court.

(2.) The decision of the Court shall be final and conclusive and without appeal.

84.—(1.) The Board may, at any time, require any authority of the Commonwealth to furnish, with respect to members or to pensioners under this Act who are employed by or serving under the Authority, such returns as the Board requires for the purposes of this Act and may, at any time, require any member or pensioner under this Act to furnish such information as the Board deems necessary for the purpose of any investigation in connexion with the Fund.

Board may require returns.

(2.) Any member or pensioner under this Act who, without reasonable excuse (proof whereof shall lie with him) fails to furnish the information required of him under this Act shall be guilty of an offence :

Penalty : Ten pounds.

85. Pensions and other benefits under this Act shall not be in any way assigned or charged or passed by operation of law to any person other than the pensioner or beneficiary, and any moneys payable out of the Fund, on the death of a member or beneficiary, shall not be assets for the payment of his debts or liabilities :

Assignment of pensions.

Provided that nothing in this section shall prevent the making of an order in the nature of a garnishee order against any instalment of a pension payable to a person who has been a member.

86. The Board may recover contributions under the Act in any court of competent jurisdiction.

Recovery of contributions.

87.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act

Regulations.

are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

- (a) prescribing the time within which an election under this Act may be made in any case in which the time for making the election is not specified in this Act; and
- (b) prescribing penalties, not exceeding Fifty pounds, for any offence against the regulations.
- (2.) The Governor-General may make regulations providing for—
- (a) the application of this Act in the event of change in the conditions of service;
- (b) the application of this Act to and in respect of additional classes of members of the Defence Force; and
- (c) the method of keeping the Accounts of the Fund,
- and any regulation so made shall have effect notwithstanding any provision of this Act.

SCHEDULES.

THE FIRST SCHEDULE.

Section 28.

SCALE SHOWING NUMBER OF UNITS IN RESPECT OF DAILY PAY.

Column One.				Column Two.					
Where the daily pay of the member—				Number of units.					
£	s.	d.	£	s.	d.				
			Does not exceed	0	8	6	..	..	2 units
Exceeds	0	8	and does not exceed	0	11	4	..	..	3 units
Exceeds	0	11	and does not exceed	0	14	2	..	..	4 units
Exceeds	0	14	and does not exceed	0	17	1	..	..	5 units
Exceeds	0	17	and does not exceed	0	19	11	..	..	6 units
Exceeds	0	19	and does not exceed	1	2	9	..	..	7 units
Exceeds	1	2	and does not exceed	1	5	7	..	..	8 units
Exceeds	1	5	and does not exceed	1	8	5	..	..	9 units
Exceeds	1	8	and does not exceed	1	11	4	..	..	10 units
Exceeds	1	11	and does not exceed	1	14	2	..	..	11 units
Exceeds	1	14	and does not exceed	1	17	0	..	..	12 units
Exceeds	1	17	and does not exceed	1	19	10	..	..	13 units
Exceeds	1	19	and does not exceed	2	2	8	..	..	14 units
Exceeds	2	2	and does not exceed	2	5	7	..	..	15 units
Exceeds	2	5	and does not exceed	2	8	5	..	..	16 units
Exceeds	2	8	and does not exceed	2	11	3	..	..	17 units
Exceeds	2	11	and does not exceed	2	14	1	..	..	18 units
Exceeds	2	14	and does not exceed	2	16	11	..	..	19 units
Exceeds	2	16	and does not exceed	3	2	8	..	..	20 units
Exceeds	3	2	and does not exceed	3	8	4	..	..	21 units
Exceeds	3	8	and does not exceed	3	14	0	..	..	22 units
Exceeds	3	14	and does not exceed	3	19	9	..	..	23 units
Exceeds	3	19	and does not exceed	4	5	5	..	..	24 units
Exceeds	4	5	and does not exceed	4	11	2	..	..	25 units
Exceeds	4	11	2	..	..	..	..	..	26 units

THE SECOND SCHEDULE.

Section 31.

RATES OF CONTRIBUTION TO BE PAID FORTNIGHTLY BY MEMBERS.

Age next birthday on becoming a contributor.	Contribution for first two units.			Contribution for each subsequent unit.		
	£	s.	d.	£	s.	d.
19	0	3	4	0	1	7
20	0	3	6	0	1	8
21	0	3	8	0	1	9
22	0	3	10	0	1	10
23	0	4	1	0	2	0
24	0	4	3	0	2	1
25	0	4	6	0	2	2
26	0	4	9	0	2	3
27	0	4	11	0	2	5
28	0	5	2	0	2	6
29	0	5	6	0	2	8
30	0	5	9	0	2	9
31	0	6	1	0	2	11
32	0	6	5	0	3	1
33	0	6	9	0	3	3
34	0	7	2	0	3	6
35	0	7	7	0	3	8
36	0	8	0	0	3	11
37	0	8	6	0	4	2
38	0	9	1	0	4	5
39	0	9	8	0	4	8
40	0	10	3	0	5	0
41	0	11	0	0	5	5
42	0	11	10	0	5	9
43	0	12	9	0	6	3
44	0	13	9	0	6	9
45	0	14	10	0	7	4
46	0	16	2	0	7	11
47	0	17	9	0	8	8
48	0	19	6	0	9	7
49	1	1	7	0	10	8
50	1	4	1	0	11	11
51	1	7	3	0	13	5
52	1	11	1	0	15	5
53	1	16	1	0	17	10
54	2	2	9	1	1	2
55	2	12	0	1	5	9
56	3	6	1	1	12	9
57	4	8	11	2	4	2
58	6	15	3	3	7	2
59	13	13	0	6	15	8
60	13	15	6	6	17	0

THE THIRD SCHEDULE.

PENSIONS FOR OFFICERS.

Section 38.

Table I.—Officers other than those referred to in Table II.

Permanent Naval Forces.	Permanent Military Forces.	Permanent Air Force.	Annual amount of pension.
Vice-Admiral (and relative rank) Rear-Admiral (and relative rank)	Lieutenant-General	Air Marshal ..	£ 845
.. .. .		Major-General ..	Air Vice-Marshal .. 750
Captain (and relative rank) of six years' or more service in that rank	Brigadier ..	Air Commodore ..	650
Captain (and relative rank) of less than six years' service in that rank	Colonel ..	Group Captain ..	610
Commander (and relative rank)	Lieutenant-Colonel	Wing Commander	475
Lieutenant-Commander (and relative rank)	Major ..	Squadron Leader	360
Lieutenant (and relative rank)	Captain ..	Flight-Lieutenant	275
.. .. .	Lieutenant ..	Flying Officer ..	200

Table II.—Warrant Officer, Commissioned Officer from Warrant Rank; Officers promoted from Warrant Rank (except those specially selected and promoted direct to Lieutenant); Quartermasters.

Permanent Naval Forces.	Permanent Military Forces.	Annual amount of pension.
(a) Officers promoted from Warrant Rank (except those specially selected and promoted direct to Lieutenant):—		£
Commander (and relative rank)	..	550
Lieutenant-Commander (and relative rank)	Major (Quartermaster) ..	450
Lieutenant (and relative rank)	Captain (Quartermaster) ..	400
(b) Commissioned Officer from Warrant Rank	.. .. .	350
(c) Warrant Officer	Lieutenant (Quartermaster) ..	300

THE FOURTH SCHEDULE.

Section 39.

DEDUCTION FROM PENSION FOR EACH YEAR OR PART OF A YEAR NOT SERVED.

Pension per annum.	Deduction for each year or part thereof.
Exceeds £650	£ 30
Exceeds £400 but does not exceed £650	20
Exceeds £300 but does not exceed £400	15
Exceeds £200 but does not exceed £300	10
Does not exceed £200	5

THE FIFTH SCHEDULE.

Section 41.

PENSIONS FOR MEMBERS OTHER THAN OFFICERS.

Column One.	Column Two.	Column Three.	Column Four.	Column Five.
Permanent Naval Forces.	Permanent Military Forces.	Permanent Air Force.	Annual pension in respect of twenty years' service for pension.	Annual additional pension for each year of service for pension over twenty years' service for pension.
Chief Artificer ..	Warrant Officer (Class I.)	Warrant Officer Master Pilot Master Navigator Master Signaller Master Gunner Master Engineer	£ 155	£ 8
Chief Petty Officer or relative rating (other than Chief Artificer)	Warrant Officer (Class II.) Staff Sergeant	Flight Sergeant Pilot I. Navigator I. Signaller I. Gunner I. Engineer I. Sergeant	145	7
Petty Officer or relative rating	Sergeant	Pilot II. Navigator II. Signaller II. Gunner II. Engineer II. Corporal	130	6
Leading Seaman or relative rating	Corporal or relative rank Lance Corporal or relative rank	Leading Aircraftman Pilot III. or IV. Navigator III. or IV. Signaller III. or IV. Gunner III. or IV. Engineer III. or IV.	110	6
Able Seaman or relative rating	Private or relative rank	Aircraftman 1st Class	95	6

THE SIXTH SCHEDULE.

Section 48.

PERIOD OF SERVICE FOR PENSION REFERRED TO IN SUB-SECTION (3.),
SECTION 48 OF THIS ACT.

	Rank.			Period.
	Permanent Naval Forces.	Permanent Military Forces.	Permanent Air Force.	
Rear-Admiral (and relative rank) or above	Major-General or above	or	Air Vice-Marshal or above	30 years
Captain (and relative rank)	Brigadier	..	Air Commodore ..	28 years
.. .. .	Colonel ..	..	Group Captain ..	26 years
Commander (and relative rank)	Lieutenant-Colonel..		Wing Commander	24 years
Lieutenant - Commander (and relative rank)	Major ..	..	Squadron Leader	22 years
Lieutenant (and relative rank)	Captain or below ..		Flight Lieutenant or below	20 years

THE SEVENTH SCHEDULE.

Section 78.

PROPORTION OF A UNIT EQUIVALENT TO £100 DEFERRED PAY CREDITED TO A SERVING MEMBER.

Age next birthday, on the appointed date, of a person electing to become a contributor.	Proportion of unit equivalent to £100 of deferred pay.
21 .. .. .	.8441
22 .. .. .	.8155
23 .. .. .	.7879
24 .. .. .	.7613
25 .. .. .	.7355
26 .. .. .	.7107
27 .. .. .	.6866
28 .. .. .	.6634
29 .. .. .	.6410
30 .. .. .	.6193
31 .. .. .	.5984
32 .. .. .	.5781
33 .. .. .	.5586
34 .. .. .	.5397
35 .. .. .	.5214
36 .. .. .	.5038
37 .. .. .	.4868
38 .. .. .	.4703
39 .. .. .	.4544
40 .. .. .	.4390
41 .. .. .	.4242
42 .. .. .	.4098
43 .. .. .	.3960
44 .. .. .	.3826
45 .. .. .	.3697

THE SEVENTH SCHEDULE—*continued.*

Age next birthday, on the appointed date, of a person electing to become a contributor.								Proportion of unit equivalent to £100 of deferred pay.
46	..	..	..	..	..	..	..	.3572
47	..	..	..	..	..	..	..	.3451
48	..	..	..	..	..	..	..	.3334
49	..	..	..	..	..	..	..	.3221
50	..	..	..	..	..	..	..	.3112
51	..	..	..	..	..	..	..	.3007
52	..	..	..	..	..	..	..	.2905
53	..	..	..	..	..	..	..	.2807
54	..	..	..	..	..	..	..	.2712
55	..	..	..	..	..	..	..	.2621
56	..	..	..	..	..	..	..	.2532
57	..	..	..	..	..	..	..	.2446
58	..	..	..	..	..	..	..	.2364
59	..	..	..	..	..	..	..	.2284
60	..	..	..	..	..	..	..	.2206

THE EIGHTH SCHEDULE.

Section 73.

BENEFITS BEFORE AGE 18.

Column One. Event.	Column Two.
Member becoming Invalid—	
Class A	Pension of £130 per annum
Class B	Pension of £65 per annum
Class C	Nil