

SUPERANNUATION.

No. 27 of 1955.

An Act to amend the *Superannuation Act* 1922-1954, and for other purposes.

[Assented to 15th June, 1955.]

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

Short title
and citation.

- 1.—(1) This Act may be cited as the *Superannuation Act* 1955.
- (2) The *Superannuation Act* 1922-1954* is in this Act referred to as the Principal Act.
- (3) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act* 1922-1955.

Commencement.

2.—(1) Sections one, two, four, five and six, paragraph (a) of section seven and section ten of this Act shall be deemed to have come into operation on the nineteenth day of January, One thousand nine hundred and fifty-five, and shall have and be deemed to have had effect as if the *Salaries Adjustment Act* 1955 had been in force on that date.

(2) The remaining provisions of this Act shall come into operation on the day on which this Act receives the Royal Assent.

3. Section four D of the Principal Act is repealed and the following section inserted in its stead :—

Superannuation
provision for
certain persons
by way of life
assurance.

“ 4D.—(1) Where—

- (a) a person employed by the Commonwealth or by an approved authority was, immediately before the commencement of the employment, a contributor under—
 - (i) a superannuation scheme conducted in accordance with the system established in the United Kingdom and known as the Federated Superannuation System for Universities ; or
 - (ii) a prescribed superannuation scheme, being a scheme under which benefits are provided for by means of life assurance policies ; and
- (b) the Treasurer considers that, by reason of special circumstances, an arrangement should be made under this section,

* Act No. 33, 1922, as amended by No. 45, 1924 ; No. 22, 1930 ; No. 10, 1931 ; No. 45, 1934 ; No. 28, 1937 ; No. 53, 1942 ; No. 18, 1943 ; Nos. 15 and 30, 1945 ; No. 2, 1946 ; Nos. 1 and 35, 1947 ; No. 19, 1948 ; No. 76, 1950 ; Nos. 49 and 62, 1951 ; No. 92, 1952 ; and No. 11, 1954.

the Commonwealth or the approved authority may make an arrangement with that person for assurance of his life by means of a life assurance policy, and for the payment of contributions by the Commonwealth or the approved authority and that person for that purpose.

“(2.) Where a person with whom an arrangement has been made under this section is or becomes an employee, he is not entitled, and is not required, to contribute to the Fund under Part III. of this Act or to the Provident Account.

“(3.) An approved authority may apply for the purposes of an arrangement under this section any moneys under the control of the approved authority.”.

4. Section twelve of the Principal Act is amended—

- (a) by inserting in paragraph (b) of sub-section (3.), after the word “salary” (first occurring), the words “, as defined by section twelve A of this Act,”; and
- (b) by omitting from sub-section (3.) the words “column two of section thirteen” and inserting in their stead the words “column two of the scale contained in sub-section (1.) of section thirteen”.

Commencement
and cessation of
contributions.

5. After section twelve of the Principal Act the following section is inserted in Division 2 of Part III. :—

“12A.—(1.) In this Division, ‘salary’, in relation to an employee or contributor, means the annual salary of that employee or contributor.

Salary for the
purposes of this
Division.

“(2.) In ascertaining the annual salary of an employee or contributor for the purposes of this Division—

- (a) subject to the next succeeding paragraph, if the employee or contributor is not receiving remuneration at the maximum rate applicable to his office or position, he shall be deemed to be receiving remuneration at that maximum rate; and
- (b) if the employee or contributor has not attained the age of twenty-one years and occupies an office or position in respect of which the remuneration varies according to the age of the occupant, the last preceding paragraph does not apply, but, in the case of such an employee who has not attained the age of twenty years, he shall be deemed to be receiving remuneration at the rate which would be applicable to him if he had attained the age of twenty years.”.

6. Section thirteen of the Principal Act is amended—

- (a) by omitting from paragraphs (a) and (b) of sub-section (4.) the words “after the first payment of the increased salary” and inserting in their stead the words “after the date upon which his salary is increased”; and

Scale of units
of pension.

(b) by omitting sub-sections (4A.) and (4B.) and inserting in their stead the following sub-sections:—

“(4A.) Any increased contribution payable in pursuance of paragraph (a), (b) or (d) of the last preceding sub-section is payable as from the date upon which the contributor’s salary is increased, or as from the date as from which the contributor’s salary is increased, whichever is the later, and any increased contribution payable in pursuance of paragraph (c) of the last preceding sub-section is payable as from the date of the election.

“(4B.) Where the date from which any increased contribution would be payable under the last preceding sub-section is not a pay-day, the increased contribution is payable as from the next following pay-day.

“(4C.) Where the salary of a contributor is increased by reason of an order or determination made by the Public Service Arbitrator, the date on which the order or determination is made shall, for the purposes of this section, be deemed to be the date upon which the contributor’s salary is increased.”.

Contribution
for reserve
units of
pension.

7. Section seventeen B of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the words “his salary”, the words “, as defined by section twelve A of this Act,”; and

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) The number of reserve units of pension for which a contributor may contribute, together with the number of any reserve units in respect of which he has made an election under either of the next two succeeding sections, shall not exceed four.”.

Repeal of
section 17B.

8. Section seventeen E of the Principal Act is repealed.

Payments to
Commonwealth
by approved
authorities.

9. Section eighty B of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) The Treasurer may enter into an arrangement with an approved authority for the making of payments by the approved authority in lieu of payments required to be made under the last preceding sub-section, being an arrangement which the Treasurer is satisfied will provide a fair basis of payment to the Commonwealth in respect of amounts paid, payable or likely to become payable by the Commonwealth to the Fund or to the Provident Account in respect of persons who have been employed by the approved authority, and the approved authority may apply for the purposes of the arrangement any moneys under its control.”.

Transitional
provisions.

10.—(1.) If the salary of a contributor for the purposes of the *Superannuation Act 1922-1954* immediately before the date of commencement of this section was less than his salary, as defined by

section twelve A of the *Superannuation Act* 1922-1955, on the date of commencement of this section, his salary shall, for the purposes of sub-sections (4.) and (4A.) of section thirteen of the *Superannuation Act* 1922-1955, be deemed to have been increased accordingly upon the date of commencement of this section.

(2.) The amendment made by paragraph (a) of section four of this Act does not apply in relation to a person who ceased to be an employee before the date of commencement of this section.

(3.) For the purposes of the application of sub-section (3.) of section twelve of the *Superannuation Act* 1922-1955 to the case of a person in relation to whose salary section four of the *Salaries Adjustment Act* 1955 applies, his salary shall be deemed to have been increased on the date of commencement of this section to the amount, on that date, of his salary as defined by section twelve A of the first-mentioned Act, and the increase shall be deemed to have taken effect from the date from which the variation in his salary referred to in section four of the *Salaries Adjustment Act* 1955 is deemed to have had effect.

(4.) For the purposes of this section, the reclassifications referred to in section four of the *Salaries Adjustment Act* 1955 shall be deemed to have been effected on the date of commencement of this section.

11. Section five of the *Salaries Adjustment Act* 1955 is repealed.

Repeal of section
5 of *Salaries
Adjustment
Act.*