

Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Appropriation of £23,000,000 for invalid and old-age pensions.

3. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, for the purposes of the Trust Account established under the *Audit Act* 1901-1934 and known as the Invalid and Old-age Pensions Fund, the sum of Twenty-three million pounds for invalid and old-age pensions.

SUPERANNUATION.

No. 18 of 1943.

An Act to amend the *Superannuation Act* 1922-1942.

[Assented to 29th March, 1943.]

BE it enacted by the King'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* 1943.

(2.) The *Superannuation Act* 1922-1942* 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* 1922-1943.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Parts.

3. Section three of the Principal Act is amended by inserting after the words "Part IV_B.—The Provident Account." the words "Part IV_C.—Williamstown Dockyard Employees."

Scale of units of pension.

4. Section thirteen of the Principal Act is amended by inserting after sub-section (4A.) the following sub-sections:—

"(4B.) Where, prior to the date of commencement of this sub-section, a contributor was contributing a sum which would provide units of pension less than the number of units of pension specified in column two of the scale contained in sub-section (1.) of this section opposite to the salary-group within which the salary of the contributor fell at that date, the contributor may, within the prescribed time, elect to increase the amount of his contribution to a sum which will provide units of pension not exceeding the number specified in column

* Act No. 33, 1922, as amended by No. 45, 1924; No. 22, 1930; No. 10, 1931; No. 45, 1934; No. 28, 1937; and No. 53, 1942.

two of the scale contained in sub-section (1.) of this section opposite to the salary-group in which his salary fell at the date of commencement of this sub-section :

Provided that the election shall not have effect unless, within the prescribed time, the contributor satisfies the Board that he is not suffering from any physical or mental defect likely to render him incapable of performing his duties before attaining the maximum age of retirement.

“(4c.) Any increased contribution payable in pursuance of the last preceding sub-section shall be payable as from the date of the election :

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.”

5. After Part IVB. of the Principal Act the following Part is inserted :—

“ PART IVc.—WILLIAMSTOWN DOCKYARD EMPLOYEES.

“ 60AF. In this Part, unless the contrary intention appears—

Definitions.

‘ the Melbourne Harbor Trust Superannuation Regulations 1927–1940 ’ means the Melbourne Harbor Trust Superannuation Regulations 1927–1940 in force under the Melbourne Harbor Trust Acts of the State of Victoria ;

‘ the Trust ’ means The Melbourne Harbor Trust Commissioners constituted under the Melbourne Harbor Trust Acts of the State of Victoria ;

‘ transferred dockyard employee ’ means a person who was, immediately prior to the twenty-eighth day of October, One thousand nine hundred and forty-two, employed by the Trust in or in connexion with the Williamstown Dockyard and became on that date employed by the Commonwealth.

“ 60AG.—(1.) Where a transferred dockyard employee had, immediately prior to the twenty-eighth day of October, One thousand nine hundred and forty-two, not less than five years’ continuous service with the Trust and was contributing under the Melbourne Harbor Trust Superannuation Regulations 1927–1940, he may, within three months after the commencement of this section, request the Treasurer to permit him to contribute to the fund as from the twenty-eighth day of October, One thousand nine hundred and forty-two.

Superannuation rights and obligations of former employees of Williamstown Dockyard.

“(2.) Where such a request is made, the Treasurer may, in his discretion, by notice published in the *Gazette*, direct that the transferred dockyard employee shall be deemed to be, and to have been from and including that date, an employee within the meaning of section four of this Act, and the transferred dockyard employee shall be deemed to be, and to have been from and including that date, such an employee.

“(3.) Where, in respect of a transferred dockyard employee, a notice has not been published in the *Gazette* under the last preceding sub-section, the Treasurer may—

- (a) if the transferred dockyard employee has had not less than five years' continuous service with the Trust or partly with the Trust and partly with the Commonwealth; and
- (b) if the Secretary, Department of the Navy, or, on appeal from him, the Treasurer, certifies that the transferred dockyard employee's employment is likely to be continued for an indefinite period,

by notice published in the *Gazette*, direct that the transferred dockyard employee shall be deemed to be an employee within the meaning of section four of this Act, and the transferred dockyard employee shall be deemed to be such an employee as from the publication of the notice and shall commence contributing to the fund on the pay-day next following the publication of the notice.

“(4.) Notwithstanding the provisions of section four B of this Act, a transferred dockyard employee who, by virtue of sub-section (2.) of this section, is deemed to be an employee within the meaning of section four of this Act, shall be liable to make, and shall be deemed to have been, as from the next pay-day after the twenty-eighth day of October, One thousand nine hundred and forty-two, liable to make, contributions to the fund in respect of units of pension to a number equal to the number of units of pension for which he was, immediately prior to that date, contributing under the Melbourne Harbor Trust Superannuation Regulations 1927-1940.

“(5.) The contributions so payable shall be in accordance with Schedule I. to this Act, but the amount of contribution payable in respect of each unit—

- (a) shall be the amount of contribution prescribed for the age of that transferred dockyard employee at the time when he commenced to contribute for the corresponding unit under the Melbourne Harbor Trust Superannuation Regulations 1927-1940; or
- (b) if he was contributing for the unit at the rate prescribed for the age of thirty, shall be the amount of contribution prescribed for that age.

“(6.) Nothing in sub-section (4.) of this section shall affect the obligation of any such transferred dockyard employee to contribute, or the right of any such transferred dockyard employee to elect to contribute, for additional units of pension in accordance with the provisions of this Act.

Service under
Trust to be
counted as
service under
Commonwealth.

“60AH. In the application of this Act to a transferred dockyard employee who, by virtue of sub-section (2.) or (3.) of the last preceding section, is deemed to be an employee within the meaning of section four of this Act, service of that transferred dockyard employee under the Trust which is continuous with his service under the Commonwealth shall be deemed to be service under the Commonwealth.

“60AJ.—(1.) In the application of section thirty-nine of this Act to a transferred dockyard employee who, by virtue of sub-section (2.) of section sixty AG of this Act, is deemed to be an employee within the meaning of section four of this Act—

Payments on retrenchment, resignation, dismissal or discharge.

- (a) contributions made by that transferred dockyard employee under the Melbourne Harbor Trust Superannuation Regulations 1927-1940 shall be deemed to be contributions made by him to the fund ; and
- (b) the period during which that transferred dockyard employee was contributing under those Regulations shall be taken into account as if it were a period during which he was contributing to the fund.

“(2.) In the application of section forty of this Act to a transferred dockyard employee who, by virtue of sub-section (2.) of section sixty AG of this Act, is deemed to be an employee within the meaning of section four of this Act, contributions paid by that transferred dockyard employee under the Melbourne Harbor Trust Superannuation Regulations 1927-1940 shall be deemed to be contributions paid by him under this Act.

“60AK. Where any transferred dockyard employee who, by virtue of sub-section (2.) of section sixty AG of this Act, is deemed to be an employee within the meaning of section four of this Act, is retired before the twenty-eighth day of October, One thousand nine hundred and forty-nine, on the ground of invalidity or physical or mental incapacity to perform his duties or dies before that date, any pension payable to or in respect of that transferred dockyard employee under this Act shall be paid from the fund and the Commonwealth shall pay to the fund the amount by which the proportion of the pension equivalent to the contributions made by or in respect of the transferred dockyard employee is less than the amount of the pension and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly.

Certain amounts to be paid by Commonwealth to fund.

“60AL. Where any pension becomes payable to, or in respect of, a transferred dockyard employee who, by virtue of sub-section (2.) of section sixty AG of this Act, was deemed to be an employee within the meaning of section four of this Act, any payment which the Commonwealth is required by section eighteen or nineteen of this Act to pay to the fund in respect of that transferred dockyard employee shall be increased by such amount as the actuarial member of the Board certifies to be necessary by reason of that transferred dockyard employee having made contributions at rates less than the rates specified in Schedule V. to this Act.

Increased contributions by Commonwealth.

“60AM. Any amount received by the Board in respect of contributions made under the Melbourne Harbor Trust Superannuation Regulations 1927-1940 by transferred dockyard employees who, by virtue of sub-section (2.) of section sixty AG of this Act, are deemed to be employees within the meaning of section four of this Act, shall be paid into and form part of the fund.”

Amounts received in respect of past contributions to be paid into the fund.