

**GOVERNMENT RAILWAYS (SUPERANNUATION)
AMENDMENT ACT, 1979, No. 198**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 198, 1979.

An Act to amend the Government Railways Act, 1912, with respect to pensions payable to certain widows. [Assented to, 21st December, 1979.]

Government Railways (Superannuation) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Government Railways Short title. (Superannuation) Amendment Act, 1979".

2. (1) Except as provided in subsections (2), (3) and (4), Commencement. this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1 or 2, be deemed to have commenced on the day on which the provision is deemed to have commenced.

(3) Schedule 1 shall be deemed to have commenced on 1st November, 1977.

(4) Schedule 2 shall be deemed to have commenced on 22nd September, 1976.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

SCHEDULE 2.—FURTHER AMENDMENT TO THE GOVERNMENT RAILWAYS ACT, 1912.

4. The Government Railways Act, 1912, is amended in the manner set forth in Schedules 1 and 2. Amend-
ment of
Act No. 30,
1912.

Construction of a certain reference to "means as assessed".

Government Railways (Superannuation) Amendment.

5. The reference in section 121A (3) (a) of the Government Railways Act, 1912, as in force between 25th November, 1976, and 31st October, 1977, both dates inclusive, to any deduction on account of means as assessed within the meaning of the law of the Commonwealth pursuant to which a pension is paid shall be deemed to have been a reference to any reduction in that pension on account of income or property or both pursuant to that law.

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

(1) Section 121A (3) (a)—

Omit the paragraph, insert instead :—

(a) is—

- (i) in the case of a widow who has not attained the age of 70 years—in receipt of, or eligible to receive, a class of Commonwealth pension that is the maximum amount of that class of Commonwealth pension that may be paid to her, without any reduction on account of income or property or both pursuant to the law of the Commonwealth under which the Commonwealth pension is paid; or
- (ii) in the case of a widow who has attained the age of 70 years—in receipt of, or eligible to receive, a Commonwealth pension; and

(2) (a) Section 121A (7)—

After "shall", insert ", in the case of a widow who has not attained the age of 70 years,".

Government Railways (Superannuation) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GOVERNMENT RAILWAYS
ACT, 1912—*continued.*

(b) Section 121A (7) (a)—

Omit “paragraph (a) of subsection (3)”, insert instead “subsection (3) (a) (i)”.

(3) Section 121A (7A)—

After section 121A (7), insert :—

(7A) The amount of a prescribed pension shall, in the case of a widow who has attained the age of 70 years, be the amount of the maximum pension rate per annum shown in the second column of the Fourth Schedule opposite the period of service shown in the first column of that Schedule which is appropriate for the period of service of the widow's deceased husband.

(4) (a) Section 121A (8)—

Omit “change in her means”, insert instead “relevant income or property or both”.

(b) Section 121A (8)—

Omit “paragraph (a) of subsection (3)”, insert instead “subsection (3) (a) (i)”.

(5) Section 121A (9) (a)—

Omit the paragraph, insert instead :—

(a) ceases to be entitled to a Commonwealth pension;

Government Railways (Superannuation) Amendment.

Sec. 4.

SCHEDULE 2.

FURTHER AMENDMENT TO THE GOVERNMENT RAILWAYS
ACT, 1912.

Section 121B—

After section 121A, insert :—

Indexation
of amounts
shown in
Fourth
Schedule.

121B. (1) Where there is an adjustment percentage for a review year, the amounts shown in the second column of the Fourth Schedule shall be deemed to be adjusted, on and from the adjustment date for that year, by that percentage.

(2) The amounts referred to in subsection (1) shall not be reduced, by the operation of that subsection, below those respectively set out in the Fourth Schedule as originally enacted.

(3) Where the amounts referred to in subsection (1) are deemed to be adjusted by the operation of that subsection, the amounts as so adjusted shall, for the purposes of this Part, be deemed to be shown in the second column of the Fourth Schedule instead of those previously shown or deemed to be shown.
