

SUPERANNUATION (AMENDMENT) ACT.

Act No. 30, 1919.

An Act to amend the law with respect to superannuation allowances, pensions, and gratuities; to amend the Superannuation Act, 1916, the Superannuation (Amendment) Act, 1918, and the Acts relating to the Public Service; and for purposes consequent thereon or incidental thereto. [Assented to, 12th December, 1919.]

George V.
No. 30.

BE it enacted by the King'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 "Superannuation (Amendment) Act, 1919."

2. Short title.

Superannuation (Amendment) Act.

George V. **2.** The Superannuation Act, 1916, as amended by
No. 30. the Superannuation (Amendment) Act, 1918, is herein-
 Definition. after in this Act referred to as the Principal Act.

Amendment of
 Principal Act.
 Sec. 2.

3. The Principal Act is amended as follows :—

- (a) In section two after “Part II” omit “The State Provident Fund” insert “The State Superannuation Fund.”
- Sec. 3. (b) In section three :—
- (i) In the definition of “Board” omit “State Provident Fund Management Board” insert “State Superannuation Board.”
- (ii) In the definition of “employee” add at the end of the definition the words “or a person who is paid at hourly, daily, weekly, or fortnightly rates, or by piece-work.”
- (iii) In the definition of “The Fund” omit “State Provident Fund” insert “State Superannuation Fund.”
- Sec. 4 (1). (c) In the short heading under “Part II” omit “The State Provident Fund” insert “The State Superannuation Fund,” and in subsection one of section four omit “State Provident Fund” insert “State Superannuation Fund.”
- Sec. 11 (1). (d) In section eleven :—
- (i) In subsection one add the following provisos at the end of the subsection :—
- Provided also that where the wife of an employee is also an employee the board may on her application made within three months after the commencement of the Superannuation (Amendment) Act, 1919, or from the date of the commencement of her employment or from the date of her marriage where such employment commences or such marriage takes place after the commencement of the said Act, reduce the number of units in respect of which she shall contribute or exempt her from contributing under this Act.
- Provided further that where a person who is also an employee is entitled by the terms
 of

of his engagement but not as an employee within the meaning of this Act to a special pension on retirement from his employment, then if the value as actuarially determined of such pension equals or exceeds the value so determined of the pension under this Act for which he would, but for this proviso, be entitled to contribute, he shall not be entitled to contribute under this Act; but if the value as so determined of such pension is less than the value so determined of the said pension under this Act he shall only be entitled to come under this Act for the purpose of the difference.

George V,
No. 30.

- (ii) In subsection two, paragraph (c), subparagraph (c), omit "or" insert "and" Sec. 11 (2).
- (e) In section twelve :—
- (i) In paragraph (c), clause (ii), after "may" insert "elect within the said twelve months to"; and before "two and a half" insert "two or." Sec. 12 (c) (ii).
- (ii) In paragraph (c) omit clause (iii) and insert new clause :— Sec. 12 (c) (ii).
- (iii) He may elect within the said twelve months to contribute for additional units in accordance with the prescribed table according to salary at rate for age, but so that the total number of units for which he contributes shall not at any time exceed six, or the number which under this section is set out in respect of his salary; whichever number is the less ;
- (iii) At the end of paragraph (e) add the following proviso :— Sec. 12 (e).
- Provided that an election under this paragraph shall be invalid if made after the passing of the Superannuation (Amendment) Act, 1919, and within six months prior to the date of his retirement on the ground of physical or mental incapacity to perform his

George V,
No. 30.

his duties, or within six months prior to the date of the commencement of leave of absence preparatory to such retirement.

Sec. 12, new paragraphs.

(iv) after paragraph (c) add the following new paragraphs :—

Sec. 12 (f).

(f) When in any case the salary of an employee fluctuates between two or more of the salary groups set out in this section, the board may, notwithstanding section thirteen, allow him to contribute for the number of units prescribed for any of such salary groups.

Sec. 12 (g).

(g) If the widow of an employee is or becomes an employee she may elect to come under the proviso in this paragraph, in which case she shall not be compelled to contribute for more than one unit, but may contribute for such number of units as she thinks fit, not being more than the number of units prescribed under this section for her salary.

Where the husband died before the commencement of the Superannuation (Amendment) Act, 1919, and the widow was an employee at such commencement, she shall so elect within three months after such commencement.

Where the husband died after such commencement, and the widow was an employee at the time of such death, she shall so elect within three months after such death.

In any other case such widow shall so elect within three months after the commencement of her employment.

Sec. 12 (h).

(h) Contributions for additional units on account of an increase of salary shall take effect from the first day of the month in which the increased rate of salary is actually paid. (f)

- (f) In subsection one of section eighteen omit **George V,**
 "employee" insert "employer." **No. 30.**

Sec. (18) (1).

- (g) Insert the following new subsections next after **Sec. 21, new**
 subsection one of section twenty-one :— **subsections.**

(1A) Where such woman contributor **Sec. 21 (1A).**
 was at the commencement of this Act of or
 over the age of fifty-five years, and elects to
 come under this subsection, she shall pay
 twenty-four contributions before she retires, or
 before the thirtieth day of June, one thousand
 nine hundred and twenty, whichever occurs
 first. On such payment being so completed,
 she shall on retiring from the service of her
 employer be entitled to the pension for which
 she has contributed.

(1B) Every man contributor who has **Sec. 21 (1B).**
 served for at least thirty-five years with any
 one or more employers shall be entitled to
 elect to retire from the service of his employer
 upon or after reaching the age of fifty-five
 years on the pension hereinafter in this Act
 provided.

- (h) In section twenty-seven add at the end thereof **Sec. 27, new**
 the following new subsection :— **subsection.**

(2) On the retirement of a contributor **Sec. 27 (2).**
 who, under subsection (1B) of section twenty-
 one, elects to retire upon or after reaching the
 age of fifty-five years, the pension to which he
 is entitled under that subsection shall be the
 actuarial equivalent of the contributions paid
 by him and in respect of him up to the time
 of his retirement.

- (i) In section thirty-four :—

(i) In subsection one insert after "ten years" **Sec. 34 (1)**
 the words "before the commencement of
 this Act."

(ii) In the same subsection omit the words "and" **Sec. 34 (1).**
 before the commencement" where secondly
 occurring in the subsection.

(iii)

Superannuation (Amendment) Act.

George V,
No. 30.
Sec. 34 (1).

- (iii) Insert at the end of subsection one the following :—

Provided that where such employee had, before the passing of this Act, retired or been permitted to retire, and on such retirement had received a pension or gratuity under the Civil Service Acts, and at the time of the passing of this Act is again in the Public Service and again retires or is permitted to retire, his pension on such second retirement shall be of a value equal to the difference between the value of the pension in accordance with salary not exceeding four units as above provided, and the value at the time of his first retirement of the pension or gratuity to which he then became entitled, provided that the latter is the less.

Sec. 34 (3).

- (iv) In subsection three omit "such pension" insert "any pension under this section."

Sec. 34 (3A).

- (v) In subsection (3A) : Omit the words "after the passing" and insert the words "after the first day of January, one thousand nine hundred and fourteen" ; and at the end of the subsection add the following proviso :—

Provided that a pension under this subsection shall not be payable for any period prior to the passing of this Act.

Sec. 34, new
subsection.

- (vi) After subsection 3A insert a new subsection as follows :—

Sec. 34 (3B)

(3B) The last preceding subsection shall apply where the employee has at the commencement of this Act attained the age of sixty years, and has served for at least ten years, and dies after such commencement while in the service of his employer.

The amendments of section thirty-four contained in this paragraph (i) shall be deemed to have taken effect as from the commencement of the Principal Act.

Sec. 36.

- (j) In section thirty-six omit "whole services" insert "whose services"

(k)

- (k) In section fifty-four, subsection three, add a **George V,** new paragraph as follows, which new paragraph **No. 30.** shall be deemed to have been in force at the Sec. 54 (3). commencement of the Principal Act :—
- (d) The contributions shall be payable as from the first day of the month in which the employee elects as aforesaid.
- (l) In section fifty-five, subsection one, paragraph Sec. 55 (1)(b). (b), omit the words “ which is commutable as hereinafter provided for new rights in respect of a less number of units than would be applicable as aforesaid.”
- (m) In section fifty-five, subsection two, add a Sec. 55 (2). new paragraph as follows, which new paragraph shall be deemed to have been in force at the commencement of the Principal Act :—
- (c) The contributions shall be payable as from the first day of the month in which the employee elects as aforesaid to come under this Act for the limited purpose.
- (n) At the end of subsection one of section fifty-six Sec. 56 (1). add the following :—“ In no case shall the pension under this section exceed the annual rate of the salary paid at date of retirement.”
- (o) After subsection three of section fifty-six insert Sec. 56, new paragraph. new subsection :—
- (3A) Subsection two of section thirty-five Sec. 56 (3A). shall apply to any pension payable under this section.
- (p) In subsection one of section 57A omit “ with- Sec. 57A (1). out paying any contribution to the fund ” insert “ Where the employee was of or over the age of sixty years at the commencement of this Act no contribution shall be payable to the fund.”
- (q) In section sixty-one :— Sec. 61.
- (i) Omit “ after the expiration of two years from the commencement of this Act.”
- (ii) Omit “ to a person named by the board ” and insert the words “ (if unencumbered) to the board or to a person approved by the board.”
- (r)

Superannuation (Amendment) Act.

- George V,
No. 30.
Sec. 64.** (r) In section sixty-four omit the word "and" in the expression "and may from time to time be determined," and insert in lieu thereof the word "as."
- Sec. 70.** (s) In section seventy omit "State Provident Fund Management Board" insert "State Superannuation Board."
- Sec. 76.** (t) In section seventy-six omit "deliberate" insert the word "deliberative."
- New s. 84A.** (u) After section eighty-four insert the following new section :—
- 84A.** In addition to the powers and duties conferred and imposed on the board by this Act, the administration of such of the provisions of the Civil Service Act, 1884, and of the Public Service Acts as relate to superannuation allowances and gratuities, and with refunds and interest thereon under those Acts, is hereby vested in the board.
- Schedule I,
Table B.** (v) In Schedule I, Table B, insert in the second column opposite the figures 55 in the first column the figures "13 14 6."
- Schedule III.** (w) In Schedule III add the following at the end of the Schedule :—"The trustees of the Australian Museum."
- Amendment
of s. 3 of Act
of 1918.** **4.** Section three of the Superannuation (Amendment) Act, 1918, is amended by adding at the end thereof the words "or shall apply where such superannuation allowance is a pension granted on retirement under section thirty-seven of the Superannuation Act, 1916," or shall apply to a pension payable under the said Act to a widow in respect of children.