

## SUPERANNUATION (AMENDMENT) ACT.

Act No. 47, 1928.

George V,  
No. 47, 1928.

An Act to provide that certain employees of the Sydney Harbour Trust Commissioners shall receive certain superannuation benefits; to provide that the costs of management of the Superannuation Fund shall be paid out of that Fund; to amend the Sydney Harbour Trust Act, 1901, the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 29th December, 1928.]

**B**E 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:—

Short title.

**1.** (1) This Act may be cited as the "Superannuation (Amendment) Act, 1928."

Definition.

(2) The Superannuation Act, 1916, as amended by subsequent Acts, 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 Acts, 1916-1928.

(4) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Grading of  
employees of  
Sydney  
Harbour  
Trust Com-  
missioners.

**2.** (1) The Sydney Harbour Trust Commissioners shall as soon as practicable after the commencement of this Act grade the persons employed by them and certify to the Superannuation Board which of such persons are persons who if in the Public Service would usually be paid by salary fixed at an annual rate.

(2)

(2) The certificate shall be made as at the date of the commencement of this Act, and as from that date any person named in the certificate who was then so employed and as from the date of his appointment any person named in a like certificate who is employed after such date shall be entitled and be required to contribute to the Superannuation Fund and be entitled to benefits in accordance with the Principal Act as amended by this Act. No. 47, 1928.

(3) The certificate shall be published in the Gazette and laid before both Houses of Parliament as soon as practicable after it has been received by the Governor.

(4) The Commissioners shall in the certificate assign to each person an annual rate of salary, and shall not after the commencement of this Act make appointments to fill any of the positions of any person named in the certificate or any like position at a daily or weekly wage.

(5) Any dispute as to the insertion or omission from the certificate of the name of any person shall be determined in accordance with section eighty-five of the Superannuation Acts, 1916-1928.

3. The Principal Act is amended as follows :—

Amendment of  
Act No. 28, 1916.

(a) by inserting in section thirty-four after sub-section one the following new subsection :—

(1A) Any employee of the Sydney Harbour Trust Commissioners who—

(Sydney  
Harbour  
Trust  
employees.)

(a) has served for at least ten years before the date of the commencement of the Superannuation (Amendment) Act, 1928; and

(b) was of or over the age of sixty years at such commencement,

may be retired at any time after the said commencement at a pension in accordance with salary as set out in section twelve, but not exceeding one hundred and four pounds per annum, without paying any contribution to the fund.

Any

Any such pension shall be payable from the date of retirement and shall carry widows' and children's benefits as elsewhere in this Act provided.

The provisions of this subsection conferring benefits on the widow and children of an employee of the Sydney Harbour Trust Commissioners shall extend to the widow and children of a person employed by the Commissioners who before the said commencement had died while in the service of the Commissioners as if he had been retired on a pension under this section on account of his age on the day immediately preceding the day of his death: Provided that each such person was of a class similar to that which the Commissioners certify under the provisions of the said Act as being paid in the Public Service by salary fixed at an annual rate.

A pension or benefit under this subsection shall be paid out of the funds of the employer but no pension or benefit shall be payable in respect of any period prior to the said commencement.

New s. 35A.

(b) by inserting next after section thirty-five the following new section:—

Sydney  
Harbour  
Trust  
employees:  
certain pen-  
sions without  
contribution.

35A. Any person employed by the Sydney Harbour Trust Commissioners who, after the commencement of this Act and before the commencement of the Superannuation (Amendment) Act, 1928, has been retired or permitted by his employer to retire and who at the time of such retirement—

(a) had served for at least ten years; and

(b) was of or over the age of sixty years,

shall, if the Commissioners certify that he would have been employed at an annual rate of salary had his employment been in the Public Service, be entitled to a pension under this Act in accordance with salary as set out in section twelve of this Act, but not exceeding four units without paying any contribution to the fund.

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Any such pension shall carry widows' and children's benefits as elsewhere in this Act provided. No. 47, 1928.

Any pension or benefit under this section shall be paid out of funds of the employer, but no pension or benefit shall be payable in respect of any period prior to the commencement of the Superannuation (Amendment) Act, 1928.

(c) by inserting at the end of subparagraph (iii) of paragraph (c) of the proviso to section twelve the following additional subparagraph:—

(iv) the option conferred on employees by this paragraph shall also be exercisable by any person who—

- (a) was employed by the Sydney Harbour Trust Commissioners on and since the first day of July, one thousand nine hundred and nineteen at hourly, daily, weekly or fortnightly rates of pay; and
- (b) has been appointed at an annual rate of salary or has such a rate assigned to him in pursuance of the Superannuation (Amendment) Act, 1928, between the thirtieth day of June, one thousand nine hundred and twenty, and a date three months after the commencement of such Act; and
- (c) was of or over the age of thirty years on the first day of July, one thousand nine hundred and nineteen,

and may be so exercised within three months after the date of the commencement of the Superannuation (Amendment) Act, 1928, subject, however, to the following modification, that is to say—

- (i) the rate at which he may elect to contribute for two or two and one-half or three or four units (according

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(according to his salary as set out in this section) shall be that prescribed for the age of thirty-eight; and

- (ii) contributions shall be made as from the commencement of the Superannuation (Amendment) Act, 1928.

Sec. 21 (1A)  
(Age of optional retirement.)

- (d) by inserting at the end of subsection (1A) of section twenty-one the following words:—

Where such woman contributor is an employee of the Sydney Harbour Trust Commissioners and is at the commencement of the Superannuation (Amendment) Act, 1928, of or over the age of fifty-five years, and elects to come under this subsection, she shall pay one year's contributions before she retires, or before the thirty-first day of December, one thousand nine hundred and twenty-nine, 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.

Sec. 21.  
(Service.)

- (e) by inserting at the end of section twenty-one the following new subsection:—

(3) Any person who was by the terms of his employment required to give his whole time to the duties of his employment and who prior to the commencement of the Superannuation (Amendment) Act, 1928, was paid at an hourly, daily, weekly or fortnightly rate, or by piece work and who within three months of such commencement is paid at an annual rate shall be entitled to have his employment at such hourly, daily, weekly or fortnightly rate or at piece work counted as service for the purposes of this section.

Sec. 35 (1A).  
(Break-down.)

- (f) by inserting at the end of subsection (1A), section thirty-five, the following words:—

The provisions of this section shall apply to an employee of the Sydney Harbour Trust Commissioners who had served for at least ten years, and who, between the first day of July, one

one thousand nine hundred and nineteen, and the commencement of the Superannuation (Amendment) Act, 1928, has been retired or permitted to retire on the ground that owing to ill-health he was unable to continue in his occupation :

Provided that each such person was of a class similar to that which the said Commissioners certify under the provisions of the said Act as being paid in the Public Service by salary fixed at an annual rate.

(g) by inserting at the end of section sixty-one the following words :—

The provisions of this section shall extend to any employee of the Sydney Harbour Trust Commissioners included in the certificate of the said Commissioners made in pursuance of section two of the Superannuation (Amendment) Act, 1928, where his policy of insurance is in force at the commencement of that Act.

**4.** (1) The Principal Act is further amended by omitting section eighty-three, and by inserting in lieu thereof the following section :—

83. The cost of management shall be a charge against and shall be paid out of the fund.

(2) Any payments made out of the Consolidated Revenue Fund in respect of management of the Superannuation Fund since the thirtieth day of June, one thousand nine hundred and twenty-eight, shall be repaid to Consolidated Revenue Fund by the Board out of the fund.

(3) (a) The provisions of subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and twenty-eight.

(b) The provisions of subsection two of this section of this Act shall commence upon the passing of this Act.