

SUPERANNUATION (WAR SERVICE) AMENDMENT ACT.

Act No. 53, 1940.

George VI. An Act to amend the Superannuation Act, 1916-
No. 53, 1940. 1940, in certain respects; and for purposes
connected therewith. [Assented to, 11th
December, 1940.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative 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
and citation. (War Service) Amendment Act, 1940."

(2) The Superannuation Act, 1916-1940, as
amended by this Act, may be cited as the Superannuation
Acts, 1916-1940.

Amendment
of Act No. 28,
1916.

Sec. 12.

(Scale of
units of
contribu-
tions.)

2. The Superannuation Act, 1916-1940, is amended—

(a) by inserting at the end of section twelve the
following new paragraph:—

(i) Notwithstanding paragraph (h) of this
proviso an employec who is engaged on war
service

service may elect to contribute for additional units of pension on account of any increase of salary to which he may become entitled within the period during which he is engaged on war service notwithstanding that the increased rate of salary is not actually paid within that period; and in such case the employer shall contribute in respect of the like number of units.

An election under this paragraph may be made by an employee who became engaged on war service before as well as by an employee who becomes engaged on war service after the commencement of the Superannuation (War Service) Amendment Act, 1940.

The right of election conferred by this paragraph shall be in addition to the right of election conferred by paragraph (e) of this proviso.

Any election under this paragraph shall be in writing and shall take effect from the date upon which it is received into the office of the Board, or from a later date to be specified in the instrument of election.

For the purposes of this paragraph an employee shall be deemed to be engaged on war service if—

(a) he is bound to continuous service for the duration of the present war between His Majesty and Germany and her Allies (whether or not he has agreed to serve or does serve beyond the limits of the Commonwealth of Australia and those of any territory under the authority of the Commonwealth)—

(i) as a member of His Majesty's naval, military or air forces; or

(ii) as a member of the Army Medical Service; or

(iii) as a member of the Medical Corps Nursing Service of His Majesty's naval, military or air forces; or

(b)

Pharmacy (Amendment) Act.

No. 53, 1940.

(b) he is, in connection with the present war between His Majesty and Germany and her Allies, a prisoner of war in the enemy's country or is interned in the country of any neutral power;

New sec.
30A.

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

Special
provisions
in the
case of
employees
engaged on
war service.

30A. For the purposes of sections twenty-seven, twenty-nine and thirty of this Act an employee who has, pursuant to paragraph (i) of the proviso to section twelve of this Act, elected to contribute for additional units of pension but who has not made the contributions in respect of those additional units, shall be deemed to have contributed, or to have been contributing, for a pension according to the number of units which comprises the sum of the units for which he was actually contributing and such additional units.

This section shall not be construed so as to limit the powers of the Board relating to the recovery of unpaid contributions.
