

SUPERANNUATION (AMENDMENT) ACT.

Act No. 11, 1944.

An Act to provide for the resumption by certain employers of payment of contributions under the Superannuation Act, 1916, as amended by subsequent Acts, in respect of certain units of pension; to make further provision in relation to the repayment by the State Superannuation Board of certain moneys paid to it as employers' contributions; for these and other purposes to amend the Superannuation Act, 1916, the Superannuation (Amendment) Act, 1930, the Finances Adjustment (Further Provisions) Act, 1933, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 19th April, 1944.]

George VI.
No. 11, 1944.

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. (1) This Act may be cited as the "Superannuation (Amendment) Act, 1944." Short title and citation.

(2) The Superannuation Act, 1916, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Superannuation Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Superannuation Act, 1916-1944.

2.

Superannuation (Amendment) Act.

No. 11, 1944. **2.** (1) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is amended by inserting next after section two the following new sections:—

Amendment
of Act
No. 31, 1930.
New ss. 2A, 2B.
Resumption
of payment
of contribu-
tions by
certain
employers.

2A. On and after the first day of July, one thousand nine hundred and forty-four—

(a) the employers referred to in subsection one of section two of this Act shall contribute to the fund in accordance with the provisions of section sixteen of the Principal Act with respect to—

(i) any additional unit of pension of an employee who was a contributor before that date where the contributions for such additional units commence after that date;

(ii) all units of pension of an employee who was not a contributor before that date where the contributions for such units commence after that date;

(b) paragraph (a) of subsection one of section two of this Act shall not be construed as imposing an obligation on the employer to make any payment in accordance with that paragraph in respect of payments made from the fund for units of pension for which a contribution is paid pursuant to paragraph (a) of this section.

Additional
payments by
Colonial
Treasurer.

2B. (1) The Colonial Treasurer shall, in accordance with this section, pay to the State Superannuation Fund the sum of three million eight hundred and thirty-two thousand pounds.

Such sum shall be paid out of moneys appropriated by Parliament for the purpose.

(2) The sum specified in subsection one of this section shall be paid in instalments at such times and of such amounts as Parliament may provide, but not less than eighty thousand pounds shall be so appropriated in each financial year.

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(3) The first instalment shall be paid in the financial year which commenced on the first day of July, one thousand nine hundred and forty-three, and instalments shall be paid in each year thereafter until the sum specified in subsection one of this section has been paid. No 11, 1944.

(4) The instalments paid under this section shall be in addition to any amounts payable by way of contribution in pursuance of section 2A of this Act, and, subject to subsection five of this section, shall be in addition also to any payments made by the Government of New South Wales under section two of this Act.

(5) The sum or any instalment or instalments of that sum so paid, together with interest earned thereon, shall be applied in reduction of the liability under section two of this Act of the Government of New South Wales in such manner and to such extent as may be agreed upon between the State Superannuation Board and the Colonial Treasurer.

(2) The Finances Adjustment (Further Provisions) Act, 1933, as amended by subsequent Acts, is amended— Amendment
of Act
No. 19, 1933.

(a) by inserting next after subsection three of section nine the following new subsection:— Sec. 9.
(Repayment
of certain
amounts by
Superannua-
tion Board.)

(3A) So much of the amount specified in subsection two of this section as had not been repaid on the first day of July, one thousand nine hundred and forty-three, shall, notwithstanding any other provision of this section, be repaid, with interest at the rate of three and one-half per centum per annum on the balance from time to time unpaid, in the manner following, that is to say—

As to ten fifty-fifths—not later than the thirtieth day of June, one thousand nine hundred and forty-four, which instalment shall include all instalments paid pursuant to subsection three of this section after the thirtieth day of June,

one

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one thousand nine hundred and forty-three, and before the commencement of the Superannuation (Amendment) Act, 1944;

- As to nine fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-five;
- As to eight fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-six;
- As to seven fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-seven;
- As to six fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-eight;
- As to five fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-nine;
- As to four fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty;
- As to three fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-one;
- As to two fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-two;
- As to one fifty-fifth—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-three.

(b)

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- (b) by inserting in subsection four of the same section after the word "three" the words "or subsection (3A)."

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3. The Principal Act is amended—

Amendment
of Act No. 28,
1916.

- (a) by inserting at the end of section three the following new subsection:—

Sec. 3.
(Interpreta-
tion.)

(2) (a) Notwithstanding anything in the definition of "employee" a person appointed as a professor of the University of Sydney who, at the date of his appointment as such, was a contributor, and who, after such appointment, in addition to such professorship, continues in the employment of an employer in some other capacity, shall be deemed to be an employee for the purposes of this Act and shall, subject to this subsection, continue to be a contributor.

(b) This subsection shall apply to and in respect of any such person appointed as a professor before as well as after the commencement of the Superannuation (Amendment) Act, 1944.

(c) Any such person appointed as a professor before such commencement shall cease to be a contributor unless, within three months after such commencement, he satisfies the Board that he is no longer a party to any scheme or arrangement to which the University of Sydney is also a party, under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

(d) Any such person appointed as a professor after such commencement shall cease to be a contributor if, after such appointment, he becomes or continues to be a party to any scheme or arrangement to which the University of Sydney is also a party, under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

(b)

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Sec. 11.
(Contributions—
when to
commence.)

- (b) (i) by inserting in subsection two of section eleven after the words "employment of" the words "the same or";
- (ii) by omitting from the same subsection the words "of the commencement of his employment by such other employer" and by inserting in lieu thereof the words "of such subsequent entry into employment."

Further
amendment
of Act No. 28,
1916.
New sec.
11A.

4. (1) The Principal Act is further amended—

- (a) by inserting next after section eleven the following new section:—

11A. (1) Notwithstanding anything contained in this or any other Act every employee shall either before or as soon as practicable after the commencement of his employment submit himself to medical examination by the Chief Medical Officer of the Government.

(2) Where the report of the Chief Medical Officer indicates such employee is suffering from any physical or mental defect which is likely to affect his health or longevity or his capacity to continue in his employment for a reasonable time the Board may refuse to accept such employee as a contributor.

(3) Where the Board refuses to accept an employee as a contributor it shall forthwith notify such employee and his employer.

(4) Any contributions paid by or in respect of such employee after the commencement of his employment and before such notification is given shall be refunded.

(5) This section shall apply to and in respect of—

- (a) any person who becomes an employee after the commencement of the Superannuation (Amendment) Act, 1944; and

(b)

Medical
examination.

Superannuation (Amendment) Act.

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- (b) any person who has ceased to be employed by an employer either before or after the commencement of the Superannuation (Amendment) Act, 1944, and who, after such commencement, enters the employment of the same or any other employer. No. 11, 1944.
- (b) (i) by omitting from the scale set out in section twelve the symbols, figures and words “ „ 131 to 156 „ . . . Two and a half units, or 65”; Sec. 12.
(Scale of
units of
pension.)
- (ii) by omitting from the same scale the figures “157” and by inserting in lieu thereof the figures “131”;
- (c) by omitting paragraph (b) of the proviso to the same section and by inserting in lieu thereof the following paragraph:—
- (b) (i) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, he may elect not to contribute for one or more of the additional units of pension for which, but for this paragraph, he would be required to contribute by reason of such increase of salary.
- The unit or units for which an employee elects not to contribute are, in this paragraph, referred to as “abandoned units.”
- (ii) Where an employee has elected, pursuant to subparagraph (i) of this paragraph, or has, under the paragraph which this paragraph replaces, abandoned any unit or units of pension (in this paragraph referred to as “abandoned units”),
- and

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and thereafter his salary is further increased to another higher salary group as set out in the scale in this section—

- (a) he shall, unless he makes an election under subparagraph (i) of this paragraph in consequence of such further increase in salary, be required to contribute for the number of units appropriate to his then rate of salary less any abandoned units; or
- (b) he may elect to contribute for one or more of the abandoned units, in addition to any additional units for which he is required to contribute by virtue of such further increase in salary.

Any election under paragraph (b) of this subparagraph shall become effective only when the same has been approved by the Board, but any contributions in respect of any such unit of pension shall be payable as from the first day of the month or of the four-weekly contribution period, as the case may be, in which the increased rate of salary is actually paid. The Board may require any employee who makes such election to furnish evidence as to the state of his health and may refuse its approval if evidence is not so furnished or if, from the evidence furnished, the Board is satisfied that the employee is not in good health.

(iii)

- (iii) Any election under subparagraph (i) or subparagraph (ii) of this paragraph shall be in writing and shall be forwarded to the Board within a period of three months after the date upon which salary at the increased rate is actually paid, or within such further period as the Board may, in special circumstances, allow.

Any such election shall be void unless made in the manner and within the period or extended period referred to in this subparagraph.

- (iv) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, and the amount of such increase is less than the amount which would be required to meet contributions for any additional unit of pension consequent upon such increase in salary, the Board may, notwithstanding subparagraph (i) of this paragraph, allow him to contribute for the number of units of pension for which he was contributing immediately before such increase, but, when the amount of such increase, together with any subsequent increase of salary, is equal to or exceeds the amount required to meet contributions for such additional unit of pension, the provisions of subparagraphs (i) to (iii), both inclusive, of this paragraph shall apply to and in respect of such employee.

(d)

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(d) by inserting in paragraph (h) of the same proviso after the word "month" the words "or of the four-weekly contribution period, as the case may be";

(e) by inserting next after the same paragraph the following new paragraph:—

(h1) Where a person in the service of an employer becomes an employee, contributions by or in respect of such employee shall take effect from the first day of the month or of the four-weekly contribution period, as the case may be, in which he is first paid as such employee.

(2) The amendments made by paragraph (b) of subsection one of this section shall not be construed as requiring or authorising any person who, at the commencement of this Act, was contributing for two and one-half units of pension to contribute for three units of pension unless and until his salary is increased to an amount of one hundred and fifty-seven pounds per annum, or more.

Further amendment of Act No. 28, 1916.
Sec. 15.
(Tables of contributions.)

5. The Principal Act is further amended—

(a) (i) by inserting next after subsection one of section fifteen the following new subsection:—

(1A) Until other tables of contributions are prescribed as hereinafter provided the tables of contributions for men and women according to the ages set out in Schedule IV shall be in force and shall apply to both employers and employees.

Contributions in accordance with the tables set out in such Schedule shall be made in respect of—

(a) additional units of pension the contributions for which commence on

or

or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who were contributors before that date; No. 11, 1944.

- (b) all units of pension the contributions for which commence on or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who become contributors after that date.

(ii) by inserting at the end of subsection two of the same section the following words:—

The tables of contributions so prescribed may—

- (a) be in substitution for the tables set out in Schedule I or Schedule IV;
- (b) be made so as to apply generally to all units of pension or to units of pension in respect of which contributions commenced before the date so proclaimed or in respect of which contributions commence on or after the date so proclaimed (whether such contributions are paid by or in respect of employees who were contributors before or who become contributors after the date so proclaimed);
- (c) in respect of employees who become contributors after the commencement of the Superannuation (Amendment) Act, 1944, make different provisions for different classes of employees.

(b)

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New
Schedule
IV.
Sec. 15.

(b) by inserting next after Schedule III the following new Schedule:—

SCHEDULE IV.

TABLE A.

MEN.

Contributions by Employees—Payable Four-weekly.

Retirement at Sixty.

Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.	Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 5 2	0 4 10	16	40	0 18 4	0 17 6	40
17	0 5 6	0 5 2	17	41	0 19 6	0 18 8	41
18	0 5 10	0 5 4	18	42	1 0 10	1 0 0	42
19	0 6 2	0 5 8	19	43	1 2 4	1 1 6	43
				44	1 4 0	1 3 2	44
20	0 6 6	0 6 0	20				
21	0 6 10	0 6 4	21	45	1 5 10	1 5 0	45
22	0 7 2	0 6 8	22	46	1 8 0	1 7 2	46
23	0 7 6	0 7 0	23	47	1 10 6	1 9 8	47
24	0 7 10	0 7 4	24	48	1 13 6	1 12 6	48
				49	1 17 0	1 16 0	49
25	0 8 2	0 7 8	25				
26	0 8 6	0 8 0	26	50	2 1 2	2 0 2	50
27	0 9 0	0 8 6	27	51	2 6 4	2 5 4	51
28	0 9 6	0 9 0	28	52	2 12 10	2 11 8	52
29	0 10 0	0 9 6	29	53	3 1 0	2 19 10	53
				54	3 12 0	3 10 8	54
30	0 10 8	0 10 0	30				
31	0 11 2	0 10 6	31	55	4 7 6	4 6 0	55
32	0 11 10	0 11 0	32	56	5 10 6	5 8 10	56
33	0 12 6	0 11 8	33	57	7 8 8	7 6 8	57
34	0 13 2	0 12 4	34	58	11 5 8	11 2 8	58
				59	22 16 2	22 10 2	59
35	0 13 10	0 13 0	35				
36	0 14 6	0 13 8	36	60	£298 ÷ n*	£294 ÷ n*	60
37	0 15 4	0 14 6	37				
38	0 16 2	0 15 4	38				
39	0 17 2	0 16 4	39				

* n Denotes the number of complete four-weekly contributions payable before attainment of age 60.

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TABLE B.

WOMEN.

Contributions by Employees for each £52 per annum—Payable Four-weekly.

Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.	Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 5 8	0 4 2	16	40	1 7 6	0 17 2	40
17	0 6 0	0 4 6	17	41	1 10 0	0 18 4	41
18	0 6 6	0 4 8	18	42	1 12 10	0 19 10	42
19	0 6 10	0 5 0	19	43	1 16 2	1 1 4	43
				44	2 0 2	1 3 0	44
20	0 7 4	0 5 4	20				
21	0 7 10	0 5 8	21	45	2 5 0	1 5 0	45
22	0 8 4	0 6 0	22	46	2 10 8	1 7 2	46
23	0 8 10	0 6 4	23	47	2 18 0	1 9 8	47
24	0 9 6	0 6 10	24	48	3 7 4	1 12 8	48
				49	3 19 8	1 16 2	49
25	0 10 2	0 7 2	25				
26	0 10 8	0 7 8	26	50	4 17 0	2 0 4	50
27	0 11 4	0 8 0	27	51	6 3 2	2 5 6	51
28	0 12 0	0 8 6	28	52	8 6 6	2 12 0	52
29	0 12 10	0 9 0	29	53	12 13 4	3 0 2	53
				54	25 14 0	3 11 2	54
30	0 13 8	0 9 6	30				
31	0 14 6	0 10 0	31	55	£334 ÷ n*	4 6 6	55
32	0 15 6	0 10 6	32	56	.....	5 9 8	56
33	0 16 6	0 11 2	33	57	.....	7 8 0	57
34	0 17 8	0 11 10	34	58	.....	11 4 10	58
				59	.....	22 14 8	59
35	0 18 10	0 12 6	35				
36	1 0 4	0 13 4	36	60	.....	£293 ÷ n*	60
37	1 1 10	0 14 2	37				
38	1 3 6	0 15 0	38				
39	1 5 4	0 16 0	39				

* n Denotes the number of complete four-weekly contributions payable before attainment of the maturity age (55 or 60, as the case may be).

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Further
amendment of
Act No. 28,
1916.

Sec. 16.

(Contribu-
tions by
employers.)

6. (1) The Principal Act is further amended—

(a) by omitting subsections three and four of section sixteen and by inserting in lieu thereof the following subsections:—

(3) Where an employee over fifty-nine years of age becomes a contributor or a contributor over fifty-nine years of age elects or becomes entitled to contribute for an additional unit of pension, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by his employer.

(4) Where a woman employee over fifty-four years of age becomes a contributor or a woman contributor over fifty-four years of age elects or becomes entitled to contribute for an additional unit of pension, and in either such case elects or has elected to contribute at the rate for retirement at age fifty-five, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by her employer.

Subst.
sec. 19.Employees
on leave of
absence.

(b) by omitting section nineteen and by inserting in lieu thereof the following section:—

19. (1) In respect of any contributor who is on leave of absence, whether without pay or not, his contributions shall be paid during such leave of absence as for a period of service and shall become due on or before the last day of each month or four-weekly contribution period.

(2) Any contribution unpaid on the due date shall bear interest at the rate of three and one half per centum per annum from such due date until the date of payment:

Provided that the Board may, in case of hardship, waive payment of such interest.

(3)

(3) The Board may recover the amount of No. 11, 1944.
any contribution due and unpaid together with
interest thereon in any court of competent
jurisdiction.

(c) (i) by omitting from subsection (1B) of section Sec. 21.
twenty-one the words "served for at least (Age retire-
thirty-five years with any one or more em- ment.)
ployers" and by inserting in lieu thereof the
words "been a contributor for at least ten
years";

(ii) by omitting subsection three of the same
section;

(d) (i) by omitting from subsection one of section Sec. 22.
twenty-two the words "who has served as (Breakdown
an employee for at least five years with any retirement.)
one or more employers";

(ii) by inserting next after the same subsection
the following new subsection:—

(1A) Where an employee becomes an in-
valid or becomes physically or mentally
incapable of performing his duties within a
period of five years from the date upon
which he became a contributor, the Board
may refuse to pay pension where such
invalidity or incapacity is due to causes
existing at or before the date upon which
the employee became a contributor.

(iii) by inserting in subsection two of the same
section after the word "contributor" the
words "or is or is not due to causes existing
at or before the date upon which the em-
ployee became a contributor";

(e) by omitting from section twenty-three the word Sec. 23.
"or" where firstly occurring and by inserting (Retrench-
in lieu thereof the word "and"; ment and
discharge.)

(f) by inserting next after section twenty-three the New sec.
following new section:— 23A.

23A. Any person who was by the terms of his Computation
employment required to give his whole time to of service
the duties of his employment and who prior to for purposes
becoming a contributor was paid at an hourly, of secs. 21
daily, and 23.

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daily, weekly, or fortnightly rate, or by piecework, shall be entitled to have his employment at such hourly, daily, weekly, or fortnightly rate, or at piecework, counted as service for the purposes of sections twenty-one and twenty-three of this Act.

Sec. 27.
(Amount of pension on retirement.)

Sec. 28.
(Pension of woman retiring before 60.)

New sec. 28A.

Pension on retirement before 60.

- (g) by omitting subsection two of section twenty-seven;
- (h) by omitting subsection two of section twenty-eight;
- (i) by inserting next after section twenty-eight the following new section:—

28A. On the retirement of a contributor who being a man elects under subsection (1B) of section twenty-one of this Act to retire upon or after reaching the age of fifty-five years, or who, being a woman, has contributed for at least ten years at the rate prescribed for retirement at the age of sixty years, the pension to which such contributor is entitled shall be determined according to the number of units for which such contributor contributed at the time of his retirement, but in such case the value of the unit of pension shall be in accordance with the following provisions:—

Age last birthday.	Value of Unit of Pension.		
	£	s.	d.
55	15	10	0
56	16	16	0
57	18	10	0
58	20	12	0
59	23	2	0
60	26	0	0

To the appropriate value of a unit of pension specified in the above table there shall be added, for each day which has elapsed since the last birthday of the contributor up to and including the day of retirement, one three hundred and sixty-fifth part of the difference between the value of the unit of pension as at such last birthday and the value of the unit of pension as at the next birthday.

(j)

(j) (i) by omitting from subsection one of section No. 11, 1944.
 twenty-nine the words “who has served as Sec. 29.
 an employee for at least five years with any (Breakdown
 one or more employers”; pensions.)

(ii) by omitting paragraph (b) of the same sub-
 section and by inserting in lieu thereof the
 following paragraph:—

(b) If such invalidity or incapacity is
 due to his own fault he shall be
 entitled to such pension as is deter-
 mined by the Board to be the
 equivalent of the contributor’s
 rights in the fund.

(iii) by inserting next after the same subsection
 the following new subsection:—

(1A) Nothing in subsection one of this
 section shall affect the operation of sub-
 section (1A) of section twenty-two of this
 Act.

(k) by inserting at the end of section thirty the Sec. 30
 following words:— (Pension to

The Board may deduct, from any pension pay- widow on
 able to the widow under this section, by instal- death of
 ments or in such other manner as may be agreed employee
 upon between the Board and the widow, any in service.)
 amounts owing to the fund by such contributor.

(l) by omitting from section thirty-two the word
 “contributor” and by inserting in lieu thereof
 the word “employee.”

(m) by omitting from section 32A the word “con- Sec. 32A.
 tributor” and by inserting in lieu thereof the (Other
 word “employee”; death
benefits.)

(n) (i) by omitting paragraph (b) of subsection one Sec. 37.
 of section thirty-seven and by inserting in (Retrench-
 lieu thereof the following paragraph:— ment bene-
fits.)

(b) such pension as is determined by
 the Board to be the equivalent of
 the contributor’s rights in the
 fund;

(ii)

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(ii) by inserting at the end of subsection three of the same section the following new paragraph:—

(c) He shall not be entitled to count his service prior to retrenchment as service for the purpose of any other pension or benefit under this Act;

(iii) by inserting at the end of subsection four of the same section the following words:—

This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

Sec. 38.
(Resignation,
dismissal,
or discharge.)

(o) (i) by inserting at the end of subsection one of section thirty-eight the following words:—

There shall be deducted from the lump sum payable under this subsection any amount received by such contributor as pension before such resignation, dismissal or discharge:

Provided that such deduction shall in no case reduce the amount payable to the contributor under this subsection below the amount of contributions paid by him since any amount was last received by him as pension.

(ii) by inserting at the end of subsection two of the same section the following words:—

This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

Sec. 39.
(Desertion
of wife or
child.)

(p) (i) by inserting in subsection one of section thirty-nine after the words "such order" the words "which has been served on it or of which written notice has been given to it";

(ii)

(ii) by inserting in subsection two of the same section after the words "such order" the words "made on its application or with any such order made on the application of the guardian where the same has been served on it or where written notice thereof has been given to it";

(iii) by inserting at the end of the same section the following new subsection:—

(3) Where a certificate has been granted under subsection one of section 13A of the Deserted Wives and Children Act, 1901, as amended by subsequent Acts, the person entitled to receive the money ordered to be paid by the order to which the certificate relates may, in lieu of filing the certificate or causing the same to be filed as provided in subsection two of that section, file the same or cause it to be filed with the Board.

Where the defendant named in such certificate is a contributor who has resigned or been dismissed or discharged from the service of an employer and who has not been paid the lump sum referred to in subsection one of section thirty-eight of this Act, the Board may pay to the person entitled as aforesaid out of such lump sum the amount specified in the certificate or so much as does not exceed such lump sum or the unpaid balance thereof.

Every payment made by the Board under the authority of this subsection shall be as valid as if made to the contributor.

(q) by inserting at the end of section forty-five the following proviso:—

Sec. 45.
(Payment
of
pensions.)

Provided that on and after a date to be appointed by the Governor and notified by proclamation published in the Gazette shall be payable by twenty-six equal instalments per annum.

(r)

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Sec. 46.
(Actuarial
reduction
of pension
of widow.)

(r) (i) by omitting from section forty-six the words “actuarially determined” where firstly occurring and by inserting in lieu thereof the words “determined by the Board”;

(ii) by omitting from the same section the word “actuarially” where secondly occurring.

Sec. 61.
(Transfer of
insurance
policies to
Board.)

(s) by inserting in section sixty-one after the words “dates of payment” the following proviso:—

Provided that the Board or the person approved by the Board pursuant to this section may at any time prior to the maturity of any policy transferred to the Board or such person upon repayment of all moneys paid by the Board for premiums thereunder with compound interest thereon at the rate of three and one-half per centum per annum from the respective dates of payment release such policy to the employee.

Further
amendment of
Act No. 31,
1930.

(2) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is further amended—

Sec. 2.
(Payments
to fund by
certain
employers.)

(a) by inserting next after subsection one of section two the following new subsections:—

(1A) Where an employer referred to in subsection one of this section is required by the provisions of that subsection to pay to the fund a sum in respect of an employee, and such employee is an employee who has been transferred to the service of such employer from the service of any other employer, the sum so required to be paid shall be reduced by such amount as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(1B) In respect of any pension or benefit payable to an employee who has been transferred from the service of an employer mentioned in subsection one of this section to the service of another employer, the employer mentioned in that subsection shall pay to the fund such sum as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(b)

(b) by omitting subsections two and (2A) of the same section. No. 11, 1944.

(3) The Superannuation (Amendment) Act, 1935, is amended by omitting section six. Amendment of Act No. 26, 1935.
(Consequential.)

(4) The payment of any pension or benefit to a person whose employment at an hourly, daily, weekly or fortnightly rate or on piecework before becoming a contributor under the Principal Act has been counted as service in determining his eligibility for such pension or benefit, is hereby validated. Validation of certain payments.

7. (1) The Principal Act is further amended—

(a) by omitting from section thirty the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

Further amendment of Act No. 28, 1916.

Sec. 30.
(Pension to widow and orphans on death of employee in service.)

(b) by omitting from section thirty-one the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

Sec. 31.
(Pension to widow and orphans on death of pensioner after retirement.)

(c) by omitting from subsection one of section thirty-three the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

Sec. 33.
(Pension to orphans on death of employee or pensioner.)

(d) by inserting next after section seventeen the following new section:—

New sec. 17A.

17A. (1) Where a pension is payable pursuant to paragraph (b) of section thirty or paragraph (b) of section thirty-one or section thirty-three of this Act in respect of the children of a deceased contributor or pensioner or of the children of the widow or deceased wife of a deceased contributor or pensioner, the employer in whose service such contributor was employed at the date of his death or such pensioner was employed at the date of his retirement, shall pay to the fund at prescribed periods and on the requisition of the Board one-half of the amount of such pension.

Payments by employers in respect of infants' pensions.

(2) Any amount payable under this section shall be in addition to any contribution or other

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other payment which the employer may be required to make to the fund under this Act or the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts.

(2) The amendments made by subsection one of this section shall apply to and in respect of pensions which are payable at the commencement of this Act as well as to and in respect of pensions which become payable after such commencement; but, in the case of pensions which are payable at such commencement the increased rate shall apply only as from the first day of the month next after the date of the commencement of this Act.

Further amendment of Act No. 28, 1916.

Sec. 70.
(Constitution of Board.)

8. The Principal Act is further amended—

(a) by inserting at the end of section seventy the words “No person of or above the age of sixty-five years shall be eligible for appointment as president or member of the Board.”

Sec. 75.
(Vacation of office.)

(b) by inserting at the end of section seventy-five the following new subsection:—

(2) A member of the Board (including the president) shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

Further amendment of Act No. 28, 1916.

New sec. 75A.

9. The Principal Act is further amended—

(a) by inserting next after section seventy-five the following new section:—

75A. No act or proceeding of the Board (whether before or after the commencement of the Superannuation (Amendment) Act, 1944) shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member of the Board.

Validity of acts and proceedings.

Sec. 80.
(Corporate body.)

(b) by inserting in section eighty after the words “common seal” the words “and power to sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of

of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property; and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer”;

(c) by inserting in section 84A after the words “he may” the words “within a period of six months from the date of payment of such gratuity”;

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Sec. 84A.
(Time limit for appeals as to gratuities under Civil Service Act and Public Service Acts.)

(d) by inserting in section eighty-five after the word “may” where secondly occurring the words “within a period of six months from the date of such decision”;

Sec. 85.
(Settlement of disputes.)

(e) by inserting next after section eighty-nine the following new section:—

New sec. 89A.

89A. For the purposes of this Act the Board may require such evidence of the age, marriage, or death of any person as it deems necessary and in default of the production of such evidence the Board may itself obtain such evidence and deduct the expenses incurred in obtaining the same from any moneys payable from the fund to the person from whom such evidence is required.

Evidence as to age, marriage or death.

(f) by omitting section ninety-four and by inserting in lieu thereof the following section:—

Subst. sec. 94.

94. A person to whom a superannuation allowance under any Acts relating to the Public Service (including a pension under this Act) is payable shall not be deemed to be entitled to be paid such allowance or any part thereof in respect of any period in excess of three months in any year, during which he is employed in the service of the State, unless the Governor otherwise authorises by proclamation published in the Gazette:

Person entitled to pension subsequently employed in Public Service.

Provided that nothing in this section contained shall apply where such superannuation allowance is a pension payable under section thirty, section thirty-one, or section thirty-seven of this Act.

Any

Fire Brigades (Amendment) Act.No. 11, 1944.

Any proclamation issued under the section which this section replaces and in force at the commencement of the Superannuation (Amendment) Act, 1944, shall be deemed to have been issued under this section.
