

SUPERANNUATION (AMENDMENT) ACT.

Act No. 9, 1948.

George VI.
No. 9, 1948.

An Act to increase the amount payable by way of pension to employees under the Superannuation Act, 1916, as amended by subsequent Acts; to extend the scale of pension units in respect of which contributions may be made; to make certain provisions in relation to the State Superannuation Fund; for these and other purposes to amend the said Act, as so amended, the Superannuation (Amendment) Act, 1930, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 30th April, 1948.]

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:—

Short title,
citation and
commence-
ment.

1. (1) This Act may be cited as the "Superannuation (Amendment) Act, 1948."

(2) This Act shall be read and construed with the Superannuation Act, 1916, as amended by subsequent Acts, in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Superannuation Act, 1916-1948.

(4) This Act shall, except where otherwise expressly provided, commence upon the first day of July, one thousand nine hundred and forty-eight.

2.

2. (1) The Principal Act is amended—

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(a) by omitting the scale set out in section twelve and by inserting in lieu thereof the following scale:—

Amendment
of Act No.
28, 1916.

Sec. 12.

(Scale of
units of
pension.)

Where the salary of the employee is equivalent to the annual rate of—	The employee shall contribute the amount necessary to provide units of pension as under—			
£	£	£	s.	d.
From 1 to 130 inclusive		Two units, or	65	0 0
„ 131 to 208 „		Three units, or	97	10 0
„ 209 to 260 „		Four units, or	130	0 0
„ 261 to 312 „		Five units, or	162	10 0
„ 313 to 364 „		Six units, or	195	0 0
„ 365 to 416 „		Seven units, or	227	10 0
„ 417 to 468 „		Eight units, or	260	0 0
„ 469 to 520 „		Nine units, or	292	10 0
„ 521 to 572 „		Ten units, or	325	0 0
„ 573 to 624 „		Eleven units, or	357	10 0
„ 625 and over		Twelve units, or	390	0 0

(b) by inserting next after section 17A the following new section:—

New sec.
17B.

17B. (1) Where any pension is payable under this Act to a pensioner or to the widow of a deceased pensioner or contributor the employer in whose service such pensioner or deceased pensioner was employed at the date of his retirement or retrenchment or in whose service such contributor was employed at the date of his death, shall pay to the fund at monthly or such other intervals as may be determined by the Board and on the requisition of the Board one-fifth of the amount of such pension.

Additional
payment by
employers
in respect of
increase in
pension unit
value.

This subsection shall not apply in respect of a pension 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 pensioner or contributor or of the children of the widow or deceased wife of a deceased pensioner or contributor nor to any pension wholly payable out of the Consolidated Revenue Fund or the funds of the employer nor to any pension wholly payable

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payable out of the fund and in respect of which payments are repaid to the fund from the Consolidated Revenue Fund or by the employer.

(2) Any amount payable under this section shall be in addition to any contribution or other payment which the employer may be required to make to the fund under this Act or under the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts.

Sec. 26.
(Pension unit.)

(c) by omitting from subsection one of section twenty-six the words "twenty-six pounds" and by inserting in lieu thereof the words "thirty-two pounds ten shillings";

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

(d) by omitting the scale set out in subsection one of section twenty-seven and by inserting in lieu thereof the following scale:—

Where the contributor at retirement was contributing for—	His pension shall be at the annual rate of—
	£ s. d.
Two units	65 0 0
Two and a half units ..	81 5 0
Three units	97 10 0
Four units	130 0 0
Five units	162 10 0
Six units	195 0 0
Seven units	227 10 0
Eight units	260 0 0
Nine units	292 10 0
Ten units	325 0 0
Eleven units	357 10 0
Twelve units	390 0 0

Sec. 28A.
(Pension on retirement before 60.)

(e) by omitting from section 28A the matter appearing under the headings "Age last birthday" and "Value of Unit of Pension" and by inserting in lieu thereof the following matter:—

	£	s.	d.
55	19	7	6
56	21	0	0
57	23	2	6
58	25	15	0
59	28	17	6
60	32	10	0

(f)

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- (f) by omitting from paragraph (a) of section thirty-one the words "twenty-six pounds" and by inserting in lieu thereof the words "thirty-two pounds ten shillings"; No. 9, 1948.
Sec. 31.
(Pension to widow and orphans on death of pensioner after retirement.)
- (g) by omitting from section thirty-four the words "one hundred and four" wherever occurring and by inserting in lieu thereof the words "one hundred and thirty"; Sec. 34.
(Retirement and pension of employee who at passing of Act is over 60 years of age.)
- (h) by omitting from subsection one of section 34A the words "one hundred and four" and by inserting in lieu thereof the words "one hundred and thirty"; Sec. 34A.
(Certain employees over sixty.)
- (i) by omitting from section thirty-five the words "one hundred and four" wherever occurring and by inserting in lieu thereof the words "one hundred and thirty"; Sec. 35.
(Employee of age of 60 years who has been retired after 1st January, 1914.)
- (j) (i) by omitting from Schedule I the word "Half-cost" wherever occurring and by inserting in lieu thereof the words "Two-fifths cost"; Sch. I.
(Consequential.)
- (ii) by omitting from the same Schedule the symbol and figures "£52" wherever occurring and by inserting in lieu thereof the symbol and figures "£65";
- (iii) by omitting from the same Schedule the symbol and figures "£26" wherever occurring and by inserting in lieu thereof the symbols and figures "£32 10s.";
- (k) (i) by omitting from Schedule IV the symbol and figures "£52" wherever occurring and by inserting in lieu thereof the symbol and figures "£65"; Sch. IV.
(Consequential.)
- (ii) by omitting from the same Schedule the symbol and figures "£26" wherever occurring and by inserting in lieu thereof the symbols and figures "£32 10s."
- (2) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is amended— Amendment of Act No. 31, 1930.
- (a) by omitting from subparagraph (i) of paragraph (a) of subsection one of section two the word "one-half" and by inserting in lieu thereof the word "two-fifths"; Sec. 2.
(Payments to fund by certain employers.)
- (b)

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- (b) by omitting from subparagraph (iii) of the same paragraph the words "This ratio" and by inserting in lieu thereof the words "Four-fifths of this ratio";
- (c) (i) by inserting in subparagraph (iv) of the same paragraph after the words "is less than" the words "four-fifths of";
(ii) by inserting in the same subparagraph after the words "up to" the words "four-fifths of";
- (d) by inserting next after the same paragraph the following new paragraph:—

(aa) In respect of any child's pension (to the extent of thirteen pounds per annum) payable pursuant to paragraph (b) of section thirty or paragraph (b) of section thirty-one or section thirty-three of the Principal Act, the employer shall pay, and shall be deemed always to have been liable to pay, to the fund the same fraction of such pension as would have been applicable in the case of a pension payable to the father or stepfather of such child had the amendments made by paragraphs (a), (b) and (c) of subsection two of section two of the Superannuation (Amendment) Act, 1948, to paragraph (a) of this subsection not been enacted.

(3) Where any pension, other than a pension payable in respect of a child or a pension increased by the operation of the amendments made by subsection one of this section, is at the commencement of this section, payable to, or after such commencement becomes payable to, any person under the Principal Act such pension shall, as from such commencement or as from the date upon which such person becomes entitled to such pension, as the case may be, be increased by one-quarter and any reference in the Principal Act to any such pension shall be read and construed as a reference to such pension as so increased.

(4) (a) This section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and forty-eight.

(b)

(b) 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 section 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 rates shall apply only as from such commencement.

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3. The Principal Act is further amended—

Further amendment of Act No. 28 1916.

(a) (i) by omitting from the scale set out in section twelve, as amended by paragraph (a) of subsection one of section two of this Act, the words, figures and symbols “,, 625 and over . . . Twelve units, or 390 0 0” and by inserting in lieu thereof the following words, figures and symbols:—

Sec. 12. (Scale of units of pension.)

„ 625 to 676	„	Twelve units, or	.. 390 0 0
„ 677 to 728	„	Thirteen units, or	.. 422 10 0
„ 729 to 780	„	Fourteen units, or	.. 455 0 0
„ 781 to 832	„	Fifteen units, or	.. 487 10 0
„ 833 to 884	„	Sixteen units, or	.. 520 0 0
„ 885 to 936	„	Seventeen units, or	.. 552 10 0
„ 937 to 988	„	Eighteen units, or	.. 585 0 0
„ 989 to 1,040	„	Nineteen units, or	.. 617 10 0
„ 1,041 to 1,144	„	Twenty units, or	.. 650 0 0
„ 1,145 to 1,248	„	Twenty-one units, or	682 10 0
„ 1,249 to 1,352	„	Twenty-two units, or	715 0 0
„ 1,353 to 1,456	„	Twenty-three units, or	747 10 0
„ 1,457 to 1,560	„	Twenty-four units, or	780 0 0
„ 1,561 to 1,664	„	Twenty-five units, or	812 10 0
„ 1,665 and over	„	Twenty-six units, or	845 0 0

(ii) by inserting in subparagraph (i) of paragraph (b) of the proviso to the same section after the words “such scale” the words “or in the case of an employee under the age of forty years contributing in respect of twelve units of pension immediately before the commencement of the Superannuation (Amendment) Act, 1948, his salary is, on or after such commencement, so increased”;

(iii)

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(iii) by inserting in the same subparagraph after the words "increase of salary" the words—

"Where at the date of commencement of the Superannuation (Amendment) Act, 1948, the actual salary of an employee is in excess of the annual rate of six hundred and seventy-six pounds his salary shall, for the purposes of this subparagraph, be deemed to have been increased on that date from that rate to that actual salary and that actual salary shall, for the purposes of subparagraph (iii) of this paragraph and of paragraph (h) of this proviso, be deemed to have been actually paid on that date."

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

(b) by inserting at the end of the scale in subsection one of section twenty-seven, as amended by paragraph (d) of subsection one of section two of this Act, the following words and figures:—

Thirteen units ..	422 10 0
Fourteen units ..	455 0 0
Fifteen units ..	487 10 0
Sixteen units ..	520 0 0
Seventeen units ..	552 10 0
Eighteen units ..	585 0 0
Nineteen units ..	617 10 0
Twenty units.. ..	650 0 0
Twenty-one units ..	682 10 0
Twenty-two units ..	715 0 0
Twenty-three units ..	747 10 0
Twenty-four units ..	780 0 0
Twenty-five units ..	812 10 0
Twenty-six units ..	845 0 0

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

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(a) by inserting next after paragraph (b) of section five the following new paragraph:—

Further amendment of Act No. 28, 1916. Sec. 5. (Investment of fund.)

(b1) in the manner authorised by section 5A of this Act;

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

New sec. 5A.

5A. (1) The fund or any part thereof, whether at the time in a state of investment or not. may be invested by the Board in—

Certain share investments authorised.

(a) the debentures or debenture stock or the preference stock or shares of any company incorporated under the law of any State of the Commonwealth, being a company which has paid dividends upon its ordinary capital at the rate of at least three per centum per annum for at least the five years next before the time of investment (of which fact a letter purporting to be signed by the secretary of the company or by the manager of a bank shall be sufficient evidence); or

cf. 1 & 2 Geo. VI, c. 52, Sch. III, Part IV, par. 21 (5).

(b) the ordinary or other stock or shares of any company incorporated as aforesaid, being a company which has paid dividends upon its ordinary capital at the rate of at least four per centum per annum for at least the ten years next before the time of investment (of which fact such a letter as aforesaid shall be sufficient evidence):

Provided that the power conferred by this subsection shall not extend to any stocks, shares or securities subject to any liability for calls or other payments:

Provided further that the Board shall not at any time make any investment pursuant to this subsection where the total amount of the moneys

proposed

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proposed to be invested and of other moneys at such time invested by the Board pursuant to this subsection would exceed one quarter of the total amount of the fund at such time.

(2) The word "company" in subsection one of this section shall not include any company having a paid up capital of less than five hundred thousand pounds.

(3) The provisions of subsections three, four, five, six, seven, ten and eleven of section fourteen and of sections twenty-one, twenty-two, twenty-four and twenty-five of the Trustee Act, 1925, as amended by subsequent Acts, shall, subject to this section, apply, mutatis mutandis, to the Board in the exercise of the powers conferred by this section and to any investment made by the Board pursuant to this section.

Sec. 9.
(Borrowing.)

(c) by inserting at the end of section nine the following new subsection:—

(2) The Board may, for the purpose of obtaining temporary financial accommodation, borrow by way of overdraft from any bank:

Provided that the total amount borrowed by way of overdraft shall not at any time exceed two hundred and fifty thousand pounds.

New sec.
9A.

**Guaranteed
minimum
interest
yield.**

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

9A. (1) Where, in relation to any financial year, the amount ascertained in accordance with the formula—

$$1.0175 \text{ I}$$

is certified by the Board to be less than the amount ascertained in accordance with the formula—

$$.0175 (A + B)$$

the employers shall pay to the fund in the manner hereinafter provided an amount equal to the difference between those amounts (which amount is hereinafter referred to as the "difference").

(2)

(2) Of such difference each employer shall pay to the fund on the requisition of the Board the sum which bears to the difference the same proportion as the total gross contributions of employees of that employer to the fund during the financial year in question bears to the total gross contributions of the employees of all employers to the fund during that financial year, with interest at the rate of three pounds ten shillings per centum per annum from the date of the close of the financial year to the date of payment. No. 9, 1948.

(3) (a) In this section—

“Financial year” means a period of twelve months ending on the thirtieth day of June.

“I” means the total amount of interest, dividends and rents credited to the fund during the financial year together with any profit derived from the realisation or appreciation of assets, less the amount of any interest charges against the fund (including interest charges upon the voluntary saving account, the reserve units of pension account or upon any other moneys held by the Board on which the fund pays interest) and the amount of any depreciation or loss on the realisation of assets.

“A” means the amount of the fund at the beginning of the financial year reduced by the amount of the voluntary saving account, the reserve units of pension account and such other moneys held by the Board on which the fund pays interest.

“B” means the amount of the fund at the end of the financial year reduced by the amount of the voluntary saving account, the reserve units of pension account and such other moneys held by the Board on which the fund pays interest. (b)

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(Contributions: when
to commence.)**

(b) In determining the amount of I, A and B respectively, accrued interest not received shall be taken into account.

(e) by omitting from subsection one of section eleven all words following the words "for the purpose of the difference" and by inserting in lieu thereof the following proviso:—

Provided further that the Board may, on application as hereinafter provided, exempt from contributing to the fund—

(a) any person of or above the age of forty years who, after the commencement of the Superannuation (Amendment) Act, 1948—

(i) enters the service of an employer as an employee, or

(ii) becomes a contributor by reason of the addition of his employer to Schedule III to this Act;

(b) any person of or above the age of forty years who entered the service of an employer within the period of three months immediately before the commencement of the Superannuation (Amendment) Act, 1948;

(c) any person of or above the age of fifty years who entered the service of an employer more than three months before the commencement of the Superannuation (Amendment) Act, 1948, and whose application to be exempted from contributing to the fund had been duly made in accordance with the law in force immediately prior to such commencement, but had not been dealt with at the date of such commencement.

In the case of a person referred to in paragraph (a) of this proviso the application shall be made within three months after the date on which such person enters the service of an employer or becomes a contributor as aforesaid.

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In the case of a person referred to in paragraph (b) of this proviso the application shall be made within three months after the commencement of the Superannuation (Amendment) Act, 1948. No. 9, 1948.

Where a person is so exempted neither he nor any other person claiming through him shall be entitled to any benefit under this Act, but the contributions (if any) paid by or in respect of the person so exempted shall be refunded.

- (f) (i) by omitting from paragraph (e) of the proviso to section twelve the words "the passing of the Superannuation (Amendment) Act, 1919, and within six months" and by inserting in lieu thereof the words "the commencement of the Superannuation (Amendment) Act, 1948, and within twelve months"; Sec. 12.
(Scale of
units of
pension.)
- (ii) by omitting from the same paragraph the word "preparatory" and by inserting in lieu thereof the word "prior";
- (iii) by inserting at the end of the same section the following new subsections:—

(2) Where an employee makes the election referred to in paragraph (e) of the proviso to subsection one of this section, contributions in respect of the additional unit shall take effect from the first day of the month or of the four-weekly contribution period, as the case may be, in which the election is made.

(3) (a) An election under the said paragraph (e) made after the expiration of one year from the commencement of the Superannuation (Amendment) Act, 1948, shall be effective only when the same has been approved by the Board unless such election is made—

- (i) within ten years after the date (whether before or after such commencement) on which the employee

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employee first became a contributor to the fund; or

- (ii) where a male contributor marries after the expiration of the said period of ten years, within one year after such male contributor's marriage:

Provided that in any such case contributions shall take effect as provided in subsection two of this section.

(b) 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.

Where the Board refuses to approve any such election the contributions (if any) paid by or in respect of the employee pursuant thereto shall be refunded.

(4) (a) Where any contributor who has made the election referred to in paragraph (e) of the proviso to subsection one of this section is, immediately before the commencement of the Superannuation (Amendment) Act, 1948, in receipt of a salary of not less than the equivalent of the annual rate of six hundred and twenty-five pounds, such election shall cease to have any force or effect.

(b) Subject to the provisions of the said paragraph and subject to the provisions of subsection three of this section, any such contributor as aforesaid may again elect once under the said paragraph.

(5) Save as provided in paragraph (b) of subsection four of this section, an election under paragraph (e) of the proviso to subsection one of this section may be made once only.

(g)

- (g) by inserting next after section thirteen the following new section:—

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13A. Notwithstanding anything contained in section thirteen of this Act where the salary of a contributor is reduced otherwise than on account of misconduct, the Board may, upon the application of such contributor, approve of his continuing to contribute for the number of units for which he contributed prior to such reduction.

New sec.
13A.
Further provisions as to employees reduced in salary.

Any such application 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 reduced rate is actually paid, or within such further period as the Board may, in special circumstances, allow.

- (h) by inserting next after section fifteen the following subheading and new section:—

New sec.
15A.

Reserve Units of Pension.

15A. (1) There shall be a reserve units of pension account (in this section referred to as the "reserve account") which shall form part of the fund and into which shall be paid all contributions made by contributors under this section. Such contributions shall accumulate at such rate of interest, compounded annually, as may from time to time be determined by the Governor on the recommendation of the Board as the result of the quinquennial investigation and, until such determination has been made, at the rate of three and one-half per centum interest, compounded annually.

Reserve units.

(2) A contributor who is contributing for not less than the number of units of pension corresponding to the salary-group within which his salary falls may, from time to time, by notice in writing to the Board in the form prescribed, elect to contribute for reserve units of pension (hereinafter referred to as "reserve units") in accordance with the provisions of this section.

(3) The number of reserve units for which a contributor shall be entitled to contribute shall not exceed two.

(4)

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(4) Contributions in respect of a reserve unit—

- (a) shall be in accordance with the tables of contributions prescribed;
- (b) shall take effect from the first day of the month or of the four-weekly contribution period, as the case may be, in which the election is made.

(5) (a) Where a contributor who has contributed for at least one year for any reserve units becomes eligible to or is required to contribute for one or more additional units of pension in pursuance of the provisions of this Act, he may elect by notice in writing to the Board in the form prescribed to appropriate to the contribution account the contributions paid by him to the reserve account together with the interest thereon as aforesaid in respect of a number of reserve units not exceeding the number of those additional units of pension.

(b) Where a contributor so elects, no further contributions shall be paid into the reserve account in respect of the reserve units to which the election applies and the contributions payable by the contributor in respect of so many of the additional units of pension as is equal to the number of those reserve units shall, subject to the provisions of section fifteen of this Act, be at the same rate as the contributions paid into the reserve account in respect of those reserve units.

(6) (a) A contributor contributing for any reserve units may elect by notice in writing to the Board in the form prescribed to discontinue his contributions in respect of one or both of those units and thereupon he shall be paid from the reserve account the amount of the contributions already made by him in respect of such reserve unit or units, as the case may be, together with interest on those contributions compounded annually at the specified rate from the respective dates of payment.

(b)

(b) Where a contributor contributing for any reserve units ceases to be an employee, there shall, subject to the provisions of section 88A of this Act, be paid to him or to his personal representatives from the reserve account the amount of his contributions to such account together with compound interest on those contributions at the specified rate from the respective dates of payment.

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(c) In this subsection "the specified rate" means, in relation to any period, such rate as may be determined by the Governor on the recommendation of the Board in respect of that period and until such rate is so determined means three pounds per centum per annum.

(7) A contributor who has made an election under subsection five or subsection six of this section in respect of any reserve unit or units shall not again be eligible to elect to contribute for any reserve unit or units.

(8) (a) An employer shall not be required to contribute to the fund in accordance with the provisions of section sixteen of this Act or otherwise in respect of any reserve units.

(b) Where any contributor makes the election referred to in subsection five of this section, the employer shall, in respect of any additional unit of pension taken up by the employee to which such employee has appropriated reserve unit contributions, contribute to the fund in accordance with the provisions of section sixteen of this Act at the rate at which he would have been required so to contribute if the employee had taken up such additional unit without making the said election.

(i) by inserting next after section twenty-one the following new section:—

New sec.
21A.

21A. (1) (a) Where any employee or pensioner being a married male person aged not less than sixty-four and one-half years or being a married female person aged not less than fifty-nine and one-half years has contributed in respect

Commuting
of certain
units.

- (b) no further pension or payment whatsoever shall be paid or made to the person making such election or to any other person whomsoever in respect of such excess units. No. 9, 1948.

(4) For the purpose of calculating the lump sum referred to in subsection three of this section, the unit or units the subject of the election shall be deemed to be the unit or units most recently contributed for by the contributor concerned.

(5) The rights conferred by subsection one of this section upon any male employee or pensioner aged not less than sixty-four and one-half years may be exercised by any male Member of the Forces within the meaning of the Australian Soldiers' Repatriation Act 1920-1947, of the Parliament of the Commonwealth of Australia, who is a pensioner under this Act and is aged not less than sixty years, in like manner as if such Member of the Forces were aged sixty-four and one-half years.

- (j) (i) by omitting from section 28A the words "contributor contributed" and by inserting in lieu thereof the words "contributor had contributed for not less than three years"; Sec. 28A.
(Pension on retirement before 60.)
- (ii) by inserting at the end of the same section the following new subsections:—

(2) Where a contributor to whom subsection one of this section applies has contributed for one or more units of pension for less than three years, there shall be paid to such contributor on his retirement as aforesaid a lump sum equal to the contributions paid by him in respect of such unit or units.

(3) Pension payable pursuant to the provisions of this section shall, notwithstanding anything contained in this or any other Act, commence and be payable as from the date following that upon which all leave of absence (whether recreation leave, extended

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extended leave or any other form of leave whatsoever), if taken, would have terminated.

Sec. 29.
(Retirement through invalidity.)

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

(3) Pension payable on retirement as aforesaid shall, notwithstanding anything contained in this or any other Act, commence and be payable as from the date following that upon which all leave of absence (whether recreation leave, extended leave or any other form of leave whatsoever), if taken, would have terminated.

Sec. 32A.
(Unmarried male employee's death benefits.)

- (l) by omitting from subsection one of section 32A the words "subject to a deduction therefrom of such sum as the Board shall determine as the value as at the date of his death of all pensions payable under this Act to children of himself or of his wife on his death";

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

- (m) by omitting from section thirty-nine the words "police or" wherever occurring;

New sec. 47A.

- (n) by inserting next after section forty-seven the following new section:—

47A. Any pension under this Act becoming payable after the commencement of the Superannuation (Amendment) Act, 1948, to the widow or child of an employee or pensioner shall not, for the purposes of section forty-seven of the Workers' Compensation Act, 1926-1947, be deemed to be a benefit under any other Act.

Workers' compensation.

Sec. 51.
(Employee restored to health may be recalled to service.)

- (o) by omitting from subsection one of section fifty-one the words "his duties" and by inserting in lieu thereof the words "duties which, having regard to the duties performed by him immediately prior to his retirement, are in the opinion of the Board suitable to be performed by such pensioner";

New sec. 61A.

- (p) by inserting next after section sixty-one the following new section:—

61A. (1) Any employee whose life is insured under a policy which is unencumbered and upon which all premiums due have been paid may request

Surrender of policies generally.

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request the Board to accept a transfer of such policy in accordance with the provisions of this section. No. 9, 1948.

(2) The Board may in such cases as it deems proper, and subject to such conditions, including conditions as to duration of policies and minimum ratio of surrender value to face value of policies, as may be prescribed, accept a transfer of any such policy.

(3) Upon such acceptance by the Board—

- (a) the employee shall assign the benefit of such policy to the Board;
- (b) the Board shall cause all premiums under such policy to be duly paid from the fund.

(4) Where, before the maturity of any such policy, the person whose life is insured thereunder requests the Board in writing in the form prescribed to release the same to him and pays to the Board the amount of the premiums paid by it with compound interest thereon at the prescribed rate per centum per annum from the respective dates of payment, the Board shall release such policy to such person.

(5) On the maturity of such policy (such policy not having been released pursuant to the provisions of subsection four of this section) the Board shall hand over to the person whose life is insured thereunder or to his personal representatives to be administered as part of his estate all moneys received under such policy less the amount of the premiums paid by it with compound interest thereon at the prescribed rate per centum per annum from the respective dates of payment.

(6) For the purposes of this section “the prescribed rate per centum” means three and one-half per centum or such other rate as may be prescribed:

Provided that any such other rate shall have effect only as and from the date the same is prescribed or such later date as may be fixed by the regulation prescribing the same. (q)

Superannuation (Amendment) Act.

No. 9, 1948.

New sec.
88A.Payment
without
probate,
etc.cf. Act No.
13, 1945
(C'wealth),
s. 146.

(q) by inserting next after section eighty-eight the following new section—

88A. (1) Where—

- (a) any person dies leaving money to an amount not exceeding two hundred pounds payable to him from the fund at the date of his death; and
- (b) probate of his will or letters of administration of his estate have not been produced to the Board and notice in writing of the existence of a will and of intention to prove it or to take out letters of administration of such estate is not given to the Board within three months of the death of such person,

the Board may, in its discretion, apply such money—

- (i) in payment of the funeral expenses of the deceased or in reimbursing any person who has paid such expenses; and
- (ii) in payment of the same or of the balance thereof to the widower, widow or some relation of the deceased or to such other person as the Board in the circumstances thinks fit.

(2) No person shall have any claim against the Board in respect of anything done in pursuance of this section, but nothing in this section shall relieve the person receiving money in pursuance of this section from any liability to account for or apply the same in accordance with law.

Sec. 94.
(Person
entitled to
pension.)

- (r) (i) by omitting from section ninety-four the words "in excess of three months in any year,";
- (ii) by inserting in the same section after the words "of this Act" the words "or where the period of employment in any year is less than three months";

(iii)

(iii) by inserting at the end of the same section No. 9, 1948.
the following new subsections:—

(2) Where any such person as aforesaid is employed in the service of the State, his employer shall so inform the Board forthwith.

(3) In this section “year” means any period of twelve consecutive months ending on any date.

(s) (i) by omitting from the matter relating to Sec. 2.
Part IV in section two the figures “61” (Division of Act.)
wherever occurring and by inserting in lieu thereof the figures and letter “61A”;

(ii) by omitting from the same matter the figures “47” and by inserting in lieu thereof the figures and letter “47A”;

(t) (i) by omitting from Table A of Schedule I Sch. I.
the symbol and figures “£13” wherever (Consequen-
occurring and by inserting in lieu thereof tial.)
the symbols and figures “£26†”;

(ii) by inserting at the end of the same Table the following footnote:—

“†Of this amount of £26, £13 is payable by the employer under section 17A, and the contribution includes half-cost of the balance.”

(u) (i) by omitting from Table A of Schedule IV Sch. IV.
the symbol and figures “£13” wherever (Consequen-
occurring and by inserting in lieu thereof tial.)
the symbols and figures “£26†”;

(ii) by inserting at the end of the same Table the following footnote:—

“†Of this amount of £26, £13 is payable by the employer under section 17A, and the contribution includes half-cost of the balance.”

(2) The amendments made by paragraph (j) of subsection one of this section shall be deemed to have commenced upon the fifteenth day of April, one thousand nine hundred and forty-eight.