

## SUPERANNUATION (AMENDMENT) ACT.

Act No. 53, 1951.

An Act to increase the amount payable by way of pension to employees under the Superannuation Act, 1916, as amended by subsequent Acts; 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; and for purposes connected therewith [Assented to, 28th December, 1951.]

George VI.  
No. 53, 1951

BE

**Superannuation (Amendment) Act.**

No. 53, 1951.

**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,  
citation,  
construction  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Superannuation (Amendment) Act, 1951".

(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 Acts, 1916-1951.

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

Increase of  
rates of  
certain  
pensions  
under  
Principal  
Act.

**2.** Where any pension, other than a pension payable in respect of a child, is at the commencement of this Act 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-fifth or by twenty-six pounds per annum, whichever is the greater, 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.

Additional  
payment by  
employees  
in respect  
of increase  
in rate of  
pension.

**3.** (1) (a) At each payment of salary of a contributor, after the twelfth day of January one thousand nine hundred and fifty-two the employer shall, in addition to any contribution which the employer is required to deduct pursuant to section twenty of the Principal Act, deduct from such salary an amount equal to one-tenth of the contribution deducted pursuant to that section.

(b) Any amount deducted pursuant to this subsection shall be paid without deduction for postage, forwarding, or exchange, to the Board for payment into the fund.

(2)

(2) (a) Where any contribution is payable by a contributor pursuant to section nineteen of the Principal Act and such contribution is not deducted by the employer pursuant to section twenty of the Principal Act, the contributor shall, in addition to the contribution payable by him pursuant to section nineteen of the Principal Act, be liable to pay to the fund an amount equal to one-tenth of the contribution so payable. No. 53, 1951.

Such amount shall become due when the contribution becomes due.

(b) Any amount payable under this subsection which is 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.

(c) The Board may recover from the contributor any amount due to the fund under this subsection and unpaid together with interest thereon in any court of competent jurisdiction.

(3) For the purposes of this Act and the Principal Act, any amount deducted from the salary of a contributor pursuant to subsection one of this section or paid to the fund by a contributor pursuant to subsection two of this section shall be deemed to be contributions made to the fund by that contributor.

4. (1) Where on and after the commencement of this Act any pension is payable under the Principal Act to a pensioner or to the widow of a deceased pensioner or contributor, or where after such commencement any pension becomes payable under the Principal Act to a pensioner or to the widow of a deceased pensioner or contributor and the pensioner or deceased pensioner or contributor had, at such commencement, ceased to make contributions to the fund, 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 an amount equal to the difference between

Additional payment by employers in respect of increase in rate of pension, &c.

**Superannuation (Amendment) Act.**

**No. 53, 1951.** between the amount of the pension so payable and the amount of pension which would have been so payable had section two of this Act not been enacted.

(2) (a) Where after the commencement of this Act any pension becomes payable under the Principal Act to a pensioner or to the widow of a deceased pensioner or contributor and the pensioner, deceased pensioner or contributor was, at such commencement, making contributions to the fund, 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 the amount by which the prescribed amount exceeds the amount of pension determined by the Board to be the actuarial equivalent of contributions made to the fund by the pensioner or deceased pensioner or contributor pursuant to section three of this Act.

(b) In this subsection "prescribed amount", in relation to a pension, means an amount equal to the difference between the amount of the pension payable under the Principal Act and the amount of pension which would have been so payable had section two of this Act not been enacted.

(3) This section shall not apply in respect of any pension payable under the Principal Act which is wholly payable out of the Consolidated Revenue Fund or the funds of the employer nor in respect of any pension wholly payable out of the fund and in respect of which the fund is wholly repaid or wholly recouped by the Consolidated Revenue Fund or the employer.

(4) Where on retrenchment a contributor chooses a lump sum payment as described in paragraph (a) of subsection one of section thirty-seven of the Principal Act, the employer shall pay to the fund a sum equal to the amount of the contributor's contributions to the fund pursuant to section three of this Act.

(5) Any amount payable under this section shall be in addition to any contribution or other payment which  
the

the employer may be required to make under the Principal Act or under the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts. **No. 53, 1951.**

**5.** (1) The Principal Act is amended—

Amendment of Act No. 28, 1916.

(a) by omitting from subsection one of section 17B the words “payments are repaid to the fund from the Consolidated Revenue Fund or by the employer” and by inserting in lieu thereof the words “the fund is wholly repaid or wholly recouped by the Consolidated Revenue Fund or the employer”;

Sec. 17B. (Additional payment by employers in respect of increase in pension unit value.)

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

(3) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if section two of the Superannuation (Amendment) Act, 1951, had not been enacted.

(2) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is amended by inserting at the end of section two the following new subsection:—

Amendment of Act No. 31, 1930.

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

(7) The liability of the Government of New South Wales, the Maritime Services Board of New South Wales and the Water Conservation and Irrigation Commission to make payments to the fund pursuant to this section shall be calculated as if section two of the Superannuation (Amendment) Act, 1951, had not been enacted.

(3) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and forty-eight.

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

Further amendment of Act No. 28, 1916.

(a) by inserting in subsection one of section 5A after the word “payments” the words “other than the liability arising from the investment in shares which are subject to a call or calls within a limited period”;

Sec. 5A. (Certain share investments authorised.)

(b)

**Superannuation (Amendment) Act.**

No. 53, 1951.

Sec. 11.

(When to  
commence.)

(b) (i) by omitting from subsection one of section eleven the words "the date of the commencement of his employment" wherever occurring and by inserting in lieu thereof the words "the first day of the month or four-weekly contribution period, as the case may be, in which his employment commences";

(ii) by omitting from subsection two of the same section the words "Such contributions shall cease to be paid when the contributor ceases to be employed by the employer, or reaches the age of sixty years, whichever first happens" and by inserting in lieu thereof the words "Such contributions shall cease to be paid on the first day of the month or four-weekly contribution period, as the case may be, in which the contributor ceases to be employed by the employer or dies or reaches the age of sixty years or retires, whichever first happens";

(iii) by omitting from paragraph (a) of the proviso to the same subsection all words after the word "fifty-five" and by inserting in lieu thereof the words "she shall cease to contribute on the first day of the month or four-weekly contribution period, as the case may be, in which she ceases to be employed by the employer or dies or reaches that age or retires, whichever first happens";

(iv) by omitting from paragraph (b) of the same proviso all words after the word "fifty-five" and by inserting in lieu thereof the words "she shall cease to contribute on the first day of the month or four-weekly contribution period, as the case may be, in which she ceases to be employed by the employer or dies or reaches the age of sixty years or retires, whichever first happens";

Sec. 12.

(Exemption  
from con-  
tributing.)

(c) (i) by omitting subparagraph (iv) of paragraph (b) of the proviso to subsection one of section twelve;

(ii)

- (ii) by omitting from paragraph (d) of the same proviso the words "may be exempted from contributing for more than two units of pension" and by inserting in lieu thereof the words "may be exempted from contributing to the fund"; No. 53, 1951.
- (iii) by omitting from paragraph (g) of the same proviso the words "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" and by inserting in lieu thereof the words "she may elect not to contribute to the fund or to reduce the number of units in respect of which she shall contribute to the fund";
- (d) (i) by inserting next after subsection (1A) of section fifteen the following new subsection:— Sec. 15.  
(Tables of contributions in Schedule I.)
- (1B) 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 V shall be in force and shall apply to both employees and employers.
- 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 after the first day of January, one thousand nine hundred and fifty-two, and are paid by or in respect of employees who were contributors before that date;
- (b)

No. 53, 1951.

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

Except in relation to contributions for men and women according to the ages set out in Schedule V and to the extent to which those contributions are dealt with by this subsection and that Schedule, this subsection and that Schedule do not affect the operation of subsection (1A) of this section or Schedule IV.

- (ii) by omitting from paragraph (a) of subsection two of the same section the words "or Schedule IV" and by inserting in lieu thereof the words "Schedule IV or Schedule V";

Sec. 15A.  
(Reserve  
units.)

- (e) (i) by omitting from paragraph (a) of subsection five of section 15A the words "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" and by inserting in lieu thereof the words "a contributor who has—

- (i) contributed for at least ten years for any reserve units, or contributed for at least one year for any reserve units and has attained the age of fifty years, becomes eligible to or is required to contribute for one or more additional units of pension in pursuance of the provisions of this Act; or

(ii).



- (ii) contributed for at least one year for any reserve units and has had his salary increased so that he becomes eligible to or is required to contribute for the maximum number of units of pension in pursuance of the provisions of this Act”;
- (ii) by omitting from paragraph (a) of subsection six of the same section all words after the words “as the case may be” and by inserting in lieu thereof the words “Where the contributor has contributed in respect of such reserve unit or units for at least ten years, he shall be paid, in addition, interest on those contributions compounded annually at the specified rate from the respective dates of payment”;
- (iii) by omitting from paragraph (b) of the same subsection all words after the words “the amount of his contributions to such account” and by inserting in lieu thereof the words “Where the contributor ceases to be an employee by reason of his death, there shall be paid, in addition, interest on those contributions compounded annually at the specified rate from the respective dates of payment”;
- (iv) by omitting from paragraph (b) of subsection eight of the same section all words after the word “fund” and by inserting in lieu thereof the words “a lump sum equal to the amount (including interest) appropriated under paragraph (a) of subsection five of this section in respect of such additional unit. Thereafter the employer shall, subject to the provisions of section sixteen of this Act, contribute to the fund in respect of such additional unit of pension at the rate at which he would have been required so to contribute if the employee had become eligible for and had taken up such additional unit

No. 53, 1951.

## Superannuation (Amendment) Act.

No. 53, 1951.

unit of pension at the date upon which he elected to make the reserve unit contributions appropriated to such additional unit”;

Sec. 16.  
(When contributions to commence.)

(f) (i) by omitting from subsection two of section sixteen the word “service” where firstly occurring and by inserting in lieu thereof the word “contributions”;

(ii) by omitting from the same subsection the words “service commences” and by inserting in lieu thereof the words “the employee’s contributions commence”;

Sec. 45.  
(Pensions payable monthly.)

(g) by omitting from section forty-five the word “twenty-six” and by inserting in lieu thereof the word “twenty-four”;

Sec. 94.  
(Person entitled to pension subsequently employed in Public Service.)

(h) by inserting in section ninety-four after the word “State” wherever occurring the words “or of the Prince Henry Hospital”;

New Sch. V.

(i) by inserting next after Schedule IV the following new Schedule—

## SCHEDULE V.

## TABLE A.—MEN.

*Contributions by Employees—Payable Four-weekly.  
Retirement at Sixty.*

Age next birthday.	First £65 p.a. to man, £32 10s. p.a. to widow, £26† p.a. for each child to age 16.	Subsequent increments. £65 p.a. to man, £32 10s. p.a. to widow.	Age next birthday.
56 to 60	£298 ÷ n*	£294 ÷ n*	56 to 60

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

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

TABLE

TABLE B.—WOMEN.

No. 53, 1951.

*Contributions by Employees for each £65 per annum—Payable Four-weekly.*

Age next birthday.	Retirement at 55.	Retirement at 60.	Age next birthday.
		£ s. d.	
51	£334 ÷ n*	2 5 6	51
52	£334 ÷ n*	2 12 0	52
53	£334 ÷ n*	3 0 2	53
54	£334 ÷ n*	3 11 2	54
55	£334 ÷ n*	4 6 6	55
56 to 60	.....	£293 ÷ n*	56 to 60

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

(2) The amendment made by subparagraph (iv) of paragraph (e) of subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and forty-eight.