

## SUPERANNUATION (AMENDMENT) ACT.

### Act No. 25, 1957.

An Act to make further provision with respect to contributions to the State Superannuation Fund; for this purpose to amend the Superannuation Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 30th April, 1957.]

Elizabeth II,  
No. 25, 1957.

**B**E it enacted by the Queen'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, 1957."

Short title  
and  
citation.

(2) The Superannuation Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Superannuation Act, 1916-1957.

**2.** The Superannuation Act, 1916, as amended by subsequent Acts, is amended—

Amendment  
of Act  
No. 28,  
1916.

(a) by inserting at the end of section eleven the following new subsections:—

Sec. 11.  
(When to  
commence.)

(3) Where a person who ceased to be a contributor by reason of his resignation, pursuant to section two of the Constitution (Public Service) Amendment Act, 1916, from the public service of New South Wales, including the public service of any department or branch of the Government of the said State, and who thereafter ceased to

**be**

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be a member of the Legislative Assembly of New South Wales without being entitled to a pension under the Legislative Assembly Members Superannuation Act, 1946, as amended by subsequent Acts, re-entered or re-enters the said public service within two months after he ceased or ceases to be a member of that Assembly, he may elect to take the benefit of this subsection.

Upon the election taking effect the following provisions shall apply to or in respect of him:—

- (a) He may resume the payment of his contributions as if there had been no break in his employment if forthwith upon the election taking effect—
  - (i) he pays into the Fund all moneys received by him from the Fund consequent upon his resignation as aforesaid together with interest thereon at the rate of three and one-half per centum per annum compounded annually; and
  - (ii) he pays into the Fund, or makes provision to the satisfaction of the Board for the payment into the Fund of, the contributions that would have been payable by him into the Fund during the period from the date of his resignation as aforesaid to the date when his election took effect had he not resigned as aforesaid, together with interest thereon at the rate of three and one-half per centum per annum compounded annually;
- (b) Upon the receipt of a certificate signed by the secretary of the Board stating that the provisions of paragraph (a) of this subsection have been complied with,  
his

his employer shall contribute to the Fund the contributions that would have been payable by the employer into the Fund during the period referred to in subparagraph (ii) of paragraph (a) of this subsection in respect of him had he not resigned as aforesaid, together with interest thereon at the rate of three and one-half per centum per annum compounded annually;

- (c) If upon the election taking effect he does not forthwith resume the payment of his contributions as aforesaid he shall, subject to this Act, contribute to the Fund according to his age at the time of his re-entry into the said public service as aforesaid.

An election under this subsection shall be in writing and be forwarded so as to be received in the office of the Board—

- (i) where he re-enters the said public service as aforesaid after the commencement of the Superannuation (Amendment) Act, 1957—within two months after the date of re-entry;
- (ii) where he re-entered the said public service as aforesaid before that commencement—within two months after that commencement,

and shall take effect from the date upon which it is so received.

Any such election shall be void unless made in the manner and within the period prescribed therefor.

(4) Where a person who has resumed payment of his contributions in accordance with paragraph (a) of subsection three of this section is, within three years after he so resumes payment of his contributions, retired from the service of his employer on the grounds of  
invalidity

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No. 25, 1957.            invalidity or physical or mental incapacity to perform his duties, he shall not be entitled to a pension but shall be paid a lump sum equal to the contributions paid by him into the Fund.

New sec. 12A.            (b) by inserting next after section twelve the following new section:—

Right to contribute after age 60 or, in certain cases, after age 55.

12A. (1) In this section “the prescribed age” means—

- (a) in the case of an employee who, being a woman contributor, elected to contribute at the rate prescribed for retirement at age fifty-five, the age of fifty-five years;
- (b) in the case of any other employee, the age of sixty years.

(2) Where after the commencement of the Superannuation (Amendment) Act, 1957—

- (a) the salary of an employee who has, whether before or after that commencement, reached the prescribed age is increased from one salary group as set out in the scale in subsection one of section twelve of this Act to a higher salary group as set out in that scale; and
- (b) the number of units of pension specified in that scale opposite that higher salary group is greater than the number of units of pension for which he is a contributor,

he may elect to contribute for an additional unit or units of pension, but so that the total number of units of pension for which he is a contributor shall not exceed the number of units of pension specified in that scale opposite the salary group in which his salary falls.

Where

Where an employee reached the prescribed age on or after the first day of July, one thousand nine hundred and fifty-five, but before the commencement of the Superannuation (Amendment) Act, 1957, and on or after the date on which he reached the prescribed age but before that commencement his salary was increased from one salary group as set out in the scale in subsection one of section twelve of this Act to a higher salary group as set out in that scale, his salary shall, if he is an employee at that commencement, be deemed, for the purposes of this subsection to have been increased immediately after that commencement from a lower salary group as set out in that scale to the salary group set out in that scale in which his salary falls at that commencement. No. 25, 1957.

An election under this subsection shall be in writing and shall be forwarded so as to be received in the office of the Board—

- (i) within a period of three months after the date upon which salary at the increased rate is actually paid or, in the case of an employee to whom the last preceding paragraph applies, within three months after the commencement of the Superannuation (Amendment) Act, 1957; or
- (ii) 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 subsection.

(3) Where—

- (a) before the first day of July, one thousand nine hundred and fifty-five, an employee had reached the prescribed age; and

(b)

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- (b) the number of units of pension for which he is a contributor at the commencement of the Superannuation (Amendment) Act, 1957, is less than the number of units of pension specified in the scale in subsection one of section twelve of this Act opposite the salary group in which his salary falls at that commencement,

he may, if he is an employee at that commencement, elect to contribute for an additional unit or units of pension, but so that the total number of units of pension for which he is a contributor shall not exceed the number of units of pension specified in that scale opposite the salary group in which his salary fell at that commencement.

An election under this subsection shall be in writing and shall be forwarded so as to be received in the office of the Board within a period of three months after the commencement of the Superannuation (Amendment) Act, 1957, 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 subsection.

Nothing in this subsection shall be construed as limiting the operation of subsection two of this section.

(4) The provisions of this section shall have effect notwithstanding anything elsewhere contained in this Act.