

SUPERANNUATION (AMENDMENT) ACT.

Act No. 36, 1960.

Elizabeth II, No. 36, 1960. An Act to increase the amount payable under the Superannuation Act, 1916, as amended by subsequent Acts, by way of pension to certain persons; to extend the scale of pension units in respect of which contributions may be made; to provide a scheme of limited benefits for certain employees under the said Act, as so amended; to validate certain matters; for these and other purposes to amend the said Act, as so amended, and certain other Acts; and for purposes connected therewith. [Assented to, 28th April, 1960.]

BE 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 :—

Short title,
citation,
construc-
tion and
commence-
ment.

1. (1) This Act may be cited as the "Superannuation (Amendment) Act, 1960".

(2) The Superannuation Act, 1916, as amended by subsequent Acts, by the Governor pursuant to section ninety-two of that Act, as so amended, and by this Act, may be cited as the Superannuation Act, 1916-1960.

(3) This Act shall be read and construed with the Superannuation Act, 1916, as amended by subsequent Acts and by the Governor as aforesaid.

The said Act as so amended is in this Act referred to as the Principal Act.

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

2.

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2. (1) This section shall commence upon the first day of May, one thousand nine hundred and sixty. No. 36, 1960.

(2) Where any pension, other than a pension payable in respect of a child, was at the commencement of this section, or after such commencement becomes, payable to any person under the Superannuation Act, 1916, as amended by subsequent enactments, other than this section, who at the date of retirement was contributing for a number of units of pension specified in the first column of the Table to this subsection the annual rate of pension to which such person was entitled immediately before such commencement or would upon his retirement be entitled otherwise than pursuant to this section shall be increased by the amount shown opposite such number of units in the second column of the said Table.

Increase of
rates of
certain
pensions.

Where the contributor at retirement was contributing for—	Additional annual amount
	£ s. d.
Two units	65 0 0
Three units	52 0 0
Four units	45 10 0
Five units	39 0 0
Six units	32 10 0
Seven units	26 0 0
Eight units	26 0 0
Nine units	19 10 0
Ten units	13 0 0

(3) Where a person was at the commencement of this section or thereafter becomes entitled under the Superannuation Act, 1916, as amended by subsequent enactments, other than this section, to a pension which does not correspond to the annual rate applicable to any of the number of units specified in the first column of the Table to subsection two of this section but does correspond to the annual rate applicable to a number so specified and any fraction thereof such person shall be entitled as from such commencement or from the date on which he becomes so entitled to the increase in the annual rate of pension prescribed by subsection two of this section as if such fraction of a number of units were disregarded.

(4)

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(4) The pension payable under the Superannuation Act, 1916, as amended by subsequent enactments, other than this section, to a widow who at the commencement of this section was in receipt of a pension or thereafter becomes so entitled shall as from such commencement or from the date on which she becomes so entitled be calculated by reference to the annual rate which by virtue of the operation of subsection two or three of this section would be applicable to the person in respect of whom she is entitled to such pension had he been a person to whom subsection two or three of this section applied.

(5) Any reference in the Principal Act to any pension to which this section applies shall be read and construed as a reference to such pension as increased by this section.

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

3. (1) This section shall commence upon the first day of May, one thousand nine hundred and sixty.

(2) Where on or after the commencement of this section any pension was or is payable under the Principal 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 an amount equal to the difference between the amount of the pension so payable and the amount of pension which would have been so payable had section two or section four 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) Any amount payable under this section shall be in addition to any contribution or other payment which the employer may be required to make under the Principal Act,
the

the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, the Superannuation (Amendment) Act, 1951, as amended by subsequent Acts, or the Superannuation (Amendment) Act, 1955. No. 36, 1960.

4. (1) The Principal Act is further amended—
- (a) (i) by omitting from paragraph (a) of section thirty the words “one half” and by inserting in lieu thereof the word “five-eighths”; Further amend-ment of Act No. 28, 1916.
 - (ii) by omitting from paragraph (b) of the same section the words “twenty-six pounds” and by inserting in lieu thereof the words “fifty-two pounds”; Sec. 30. (Pensions to widow and orphans on death of employee in service.)
 - (b) (i) by omitting from paragraph (a) of section thirty-one the words “one half” and by inserting in lieu thereof the word “five-eighths”; Sec. 31. (Pension to widow and orphans on death of pensioner after retirement.)
 - (ii) by omitting from paragraph (b) of the same section the words “twenty-six pounds” and by inserting in lieu thereof the words “fifty-two pounds”;
 - (c) Schedules I, IV, V and VI are amended by omitting the footnotes at the end thereof prefaced by the symbol “†” and by inserting in lieu thereof the following footnote:—

† The pension for each child is £52 p.a.

(2) The amendments made by subsection one of this section shall commence upon the first day of May, one thousand nine hundred and sixty, and shall apply to and in respect of pensions which are payable at that day as well as to and in respect of pensions which become payable after that day.

No. 36, 1960. 5. The Principal Act is further amended :—

Further
amend-
ment of
Act No. 28,
1916.

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

- (a) (i) by omitting from the scale set out in subsection one of section twelve the words, figures and symbols “3,380 . . . Thirty-six units, or . . . 1,170 0 0” and by inserting in lieu thereof the following words, figures and symbols :—

3,380	3,510	Thirty-six units, or	1,170	0	0
3,510	3,640	Thirty-seven units, or	1,202	10	0
3,640	3,770	Thirty-eight units, or	1,235	0	0
3,770	3,900	Thirty-nine units, or	1,267	10	0
3,900	4,030	Forty units, or	1,300	0	0
4,030	4,160	Forty-one units, or	1,332	10	0
4,160	4,290	Forty-two units, or	1,365	0	0
4,290	4,420	Forty-three units, or	1,397	10	0
4,420	4,550	Forty-four units, or	1,430	0	0
4,550	4,680	Forty-five units, or	1,462	10	0
4,680	4,810	Forty-six units, or	1,495	0	0
4,810	4,940	Forty-seven units, or	1,527	10	0
4,940	. . .	Forty-eight units, or	1,560	0	0

- (ii) by inserting in subparagraph (i) of paragraph (b) of the proviso to the same subsection after the words “so increased” where secondly occurring the words “or in the case of an employee under the age of forty years contributing in respect of thirty-six units of pension immediately before the commencement of section five of the Superannuation (Amendment) Act, 1960, his salary is, on or after such commencement, so increased”;
- (iii) by inserting in the same subparagraph after the words “that date” where fourthly occurring the words—

“Where at the date of commencement of section five of the Superannuation (Amendment) Act, 1960, the actual salary of an employee

employee is in excess of the annual rate of No. 36, 1960.
 three thousand five hundred and ten pounds
 his salary shall, for the purposes of this sub-
 paragraph, 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.”

- (b) by inserting in subsection two of section 12A after Sec. 12A.
 the words “falls at that commencement.” the (Right to
 following new paragraph :— contribute
after age

Where an employee has before the commencement 60 or, in
 of section five of the Superannuation (Amendment) certain
 Act, 1960, reached the prescribed age and his salary cases, after
 at such commencement was in excess of the annual age 55.)
 rate of three thousand five hundred and ten pounds,
 his salary shall, if he is an employee at such com-
 mencement, be deemed, for the purposes of this
 subsection, to have been increased immediately after
 such commencement from a lower salary group as
 set out in the scale in subsection one of section
 twelve of this Act to the salary group set out in that
 scale in which his salary falls at such commencement.

- (c) by inserting at the end of the scale in subsection Sec. 27.
 one of section twenty-seven the following words and (Amount of
 figures :— pension on
retirement.)

Thirty-seven units	1,202	10	0
Thirty-eight units	1,235	0	0
Thirty-nine units	1,267	10	0
Forty units	1,300	0	0
Forty-one units	1,332	10	0
Forty-two units	1,365	0	0
Forty-three units	1,397	10	0
Forty-four units	1,430	0	0
Forty-five units	1,462	10	0
Forty-six units	1,495	0	0
Forty-seven units	1,527	10	0
Forty-eight units	1,560	0	0

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No. 36, 1960. **6.** The Principal Act is further amended—

Further amendment of Act No. 28, 1916.

Sec. 3.
(Interpretation.)

- (a) by inserting in subsection one of section three after the definition of "Employer" the following new definition :—

"Limited benefits" means the benefits to which a person accepted under section 11A or 11B of this Act as a contributor for limited benefits is entitled.

Sec. 11A.
(Medical examination.)

- (b) (i) by omitting from subsection two of section 11A the words "for a reasonable time the Board may refuse to accept such employee as a contributor" and by inserting in lieu thereof the words "the Board may refuse to accept such employee as a contributor otherwise than as a contributor for limited benefits";
- (ii) by omitting subsections three, four and five of the same section;

New secs. 11B, 11C and 11D.

Existing employees to be accepted as contributors for limited benefits

- (c) by inserting next after section 11A the following new sections :—

11B. (1) Any employee whom the Board has before the commencement of the Superannuation (Amendment) Act, 1960, refused to accept as a contributor in accordance with subsection two of section 11A of this Act as then enacted shall upon his election, as hereinafter provided, to be accepted as a contributor for limited benefits be accepted as such a contributor.

(2) Such election 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, 1960, or within such further period as the Board may, in special circumstances, allow.

(3) The contributions to the Fund of an employee who makes an election pursuant to subsection one of this section shall be payable as from the commencement of the Superannuation (Amendment) Act, 1960.

11C.

11c. A contributor for limited benefits and the widow and children of such contributor and any pensioner who immediately before his retirement or retrenchment was such a contributor and the widow and children of such pensioner shall except where otherwise expressly provided or the context otherwise requires be entitled to the rights and be subject to the obligations of a contributor otherwise than for limited benefits and the widow and children of a contributor otherwise than for limited benefits and a pensioner who immediately before his retirement or retrenchment was a contributor otherwise than for limited benefits and the widow and children of a pensioner who immediately before his retirement or retrenchment was a contributor otherwise than for limited benefits, as the case may require.

No. 36, 1960.
Rights and obligations of contributors for limited benefits.

11d. (1) A contributor for limited benefits may be accepted by the Board as a contributor otherwise than as a contributor for limited benefits if—

Contributors for limited benefits may be accepted as contributors.

- (a) such contributor produces a report from the Chief Medical Officer of the Government stating that he has medically examined such contributor and that such contributor's health warrants the acceptance of such contributor as a contributor otherwise than as a contributor for limited benefits; or
- (b) such contributor has been contributing to the Fund for a period of not less than ten years, makes application to the Board as prescribed and furnishes such evidence as the Board may require as to the state of his health and the Board is satisfied that he is in good health.

(2) Any application under this section shall be in writing and any acceptance shall operate as if it had become effective from the date on which payment of contributions by such contributor for limited benefits commenced and such contributor shall

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shall for all purposes be deemed to be entitled to the benefits of a contributor who is not a contributor for limited benefits in lieu of the benefits to which he would have been entitled had he continued to be a contributor for limited benefits.

Sec. 22.
(Breakdown
retirement.)

- (d) (i) by omitting from subsection one of section twenty-two the words "on pension";
- (ii) by omitting subsection (1A) of the same section;
- (iii) by omitting from subsection two of the same section the words "and whether such invalidity or incapacity is or is not due to the fault of such contributor, or is or is not due to causes existing at or before the date upon which the employee became a contributor,";

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

- (e) by inserting next after subsection one of section twenty-seven the following new subsection:—

(1A) A contributor for limited benefits shall, notwithstanding anything contained elsewhere in this Act, on attaining the age of sixty years, or being a woman who has contributed at rates prescribed for retirement at the age of fifty-five years, on attaining that age, be eligible to retire on pension according to the number of units for which such contributor was contributing at the time of such contributor's retirement and such benefits shall be in lieu of the benefits to which such contributor would have been entitled as a contributor for limited benefits.

Sec. 29.
(Retirement
through
invalidity
not his
own fault.)

- (f) (i) by inserting in subsection one of section twenty-nine after the word "contributor" the words "who is not a contributor for limited benefits and has contributed for at least five years";
- (ii) by inserting in paragraph (a) of the same subsection after the words "incapacity is" the words "in the opinion of the Board";
- (iii) by inserting in paragraph (b) of the same subsection after the words "incapacity is" the words "in the opinion of the Board";

(iv)

- (iv) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsections :—

No. 36, 1960.

(1A) If a contributor who is not a contributor for limited benefits and has contributed for less than five years be retired on the ground of invalidity or physical or mental incapacity to perform his duties, then if such invalidity or incapacity is in the opinion of the Board not due to his own fault nor to causes existing at or before the date upon which he became a contributor he shall be entitled to the full pension for which he was contributing at the time of such retirement.

(1B) (a) If a contributor for limited benefits who has contributed for at least five years be retired on the ground of invalidity or physical or mental incapacity to perform his duties, then if such invalidity or incapacity is in the opinion of the Board not due to his own fault he shall be entitled to choose either—

- (i) a lump sum equal to the aggregate of the amount contributed by him to the Fund together with interest thereon at the specified rate and the amount contributed by the employer in respect of him; or
- (ii) such pension as is determined by the Board to be the equivalent of the contributor's rights in the Fund.

(b) If a contributor for limited benefits who has contributed for less than five years be retired on the ground of invalidity or physical or mental incapacity to perform his duties, then if the invalidity or incapacity on the ground of which he has been retired was disclosed at the medical examination of such contributor under section 11A of this Act or is

in

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in the opinion of the Board not due to his own fault nor to causes existing at or before the date upon which he became a contributor he shall be entitled to make a choice as provided in paragraph (a) of this subsection.

(c) A choice under paragraph (a) or (b) of this subsection shall be in writing and be forwarded so as to be received in the office of the Board within three months after the contributor has been retired and in default of such choice the Board shall determine the matter.

(d) Where a contributor dies before making his choice under paragraph (a) or (b) of this subsection such of the provisions of sections thirty-one, thirty-two, 32A and thirty-three of this Act as the Board deems appropriate in the circumstances shall apply.

(e) The choice conferred on a contributor under paragraph (a) or (b) of this subsection shall not apply where—

- (i) the contributor has attained the age of fifty-five years at the date of retirement or being a woman who has contributed at rates prescribed for retirement at the age of fifty-five years has attained the age of fifty years at the date of retirement;
- (ii) the lump sum which but for this subparagraph the contributor would have been entitled to choose exceeds the sum of two thousand pounds; or
- (iii) the pension which but for this subparagraph the contributor would have been entitled to choose is less than fifty-two pounds per annum.

In

In any case in which subparagraph (i) or (ii) No. 36, 1960. of this paragraph operates the contributor shall be entitled to the benefits referred to in subparagraph (ii) of paragraph (a) of this subsection and in any case in which subparagraph (iii) of this paragraph operates, the contributor shall be entitled to the benefits referred to in subparagraph (i) of paragraph (a) of this subsection.

(f) In the exercise of its powers under subsections one and (1A) of this section and under this subsection the Board shall before forming its opinion obtain a report from the Chief Medical Officer of the Government as to whether the invalidity or incapacity of the contributor was or was not disclosed at the medical examination of such contributor under section 11A of this Act, is or is not due to the fault of the contributor or is or is not due to causes existing at or before the date upon which the contributor became a contributor.

(g) 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, three pounds per centum per annum.

(1c) In determining the equivalent of the contributor's rights in the Fund for the purposes of paragraph (a) or (b) of subsection (1B) of this section the Board shall have regard to—

- (a) the amount contributed by the employee;
- (b) the amount contributed by the employer;
and
- (c) the amounts that would be payable by the employer in whose service the employee was employed at the date of
his

No. 36, 1960.

his retirement, in accordance with section 17B of this Act, section four of the Superannuation (Amendment) Act, 1951, section three of the Superannuation (Amendment) Act, 1955, and section three of the Superannuation (Amendment) Act, 1960, if the contributor had chosen to accept a pension as provided for in paragraph (a) or (b) of subsection (1B) of this section, but shall not have regard to the amounts of twenty-six pounds referred to in section two of the Superannuation (Amendment) Act, 1951, and section two of the Superannuation (Amendment) Act, 1955.

(1D) Where a contributor has been retired and has accepted the lump sum benefit provided by paragraph (a) or (b) of subsection (1B) of this section and thereafter enters the service of an employer he shall not be entitled to claim any further benefit in respect of his previous service.

(v) by inserting in subsection two of the same section after the word "retired" the words "on pension";

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

(g) (i) by inserting in section thirty after the words "a contributor" the words "not being a contributor for limited benefits";

(ii) by inserting next after paragraph (b) of the same section the following new paragraph:—

On the death of a contributor for limited benefits before retirement, pension shall be paid to his widow as follows:—

(i) During her own life, such pension as is determined by the Board, having regard to the matters specified in subsection (1C) of section twenty-nine of this Act,

to be the equivalent of the contributor's rights in the Fund, or where such pension would but for this paragraph exceed the amount which would have been payable to the widow had the contributor been a contributor otherwise than for limited benefits then the amount which would have been so payable; provided that if she remarry her rights under this paragraph shall thereupon cease and determine; and

- (ii) In respect of each of her or such contributor's children (except children of such remarriage) who are under eighteen years of age a pension at the rate specified in paragraph (b) of this section.

- (h) (i) by inserting in section thirty-one after the word "pensioner" the words "who was immediately before his retirement a contributor otherwise than for limited benefits";
- (ii) by inserting at the end of the same section the following new subsection :—

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

(2) On the death of a pensioner who was immediately before his retirement a contributor for limited benefits pension shall be paid to his widow as follows :—

- (a) During her own life—

- (i) such pension as was payable to her husband at the time of his death or where the pension payable to such widow under the foregoing provisions of this paragraph would but for this subparagraph exceed the amount which would have been payable

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to

No. 36, 1960.

to such widow had the pensioner been immediately before his retirement a contributor otherwise than for limited benefits then the amount which would have been so payable; or

(ii) at the rate of thirty-two pounds ten shillings per annum if such rate is greater than the pension or amount referred to in subparagraph (i) of this paragraph: Provided that if she remarry her rights under this paragraph shall cease and determine; and

(b) In respect of each of her or such pensioner's children (except children of such remarriage) who are under eighteen years of age a pension at the rate specified in paragraph (b) of subsection one of this section.

Further amendment of Act No. 28, 1916.

7. The Principal Act is further amended by inserting next after section 20A the following new Part:—

New Part IIIA.

PART IIIA.

COMMONWEALTH OR OTHER STATE PUBLIC SERVICE SUPERANNUATION FUND CONTRIBUTORS BECOMING EMPLOYEES.

Interpretation.

20B. In this Part "Public Service Superannuation Fund" means a Fund or Account established under the law of the Commonwealth or of a State to provide superannuation or similar benefits for persons employed in the Public Service of the Commonwealth or of a State and also includes such other Funds or Accounts as are prescribed by regulations under this Act to be Public Service Superannuation Funds for the purposes of this Act.

For the purposes of this Part, the Public Service of the Commonwealth shall include the Public Service of Papua and New Guinea.

20c.

20c. (1) Any person who immediately before he becomes an employee within the meaning of this Act was a contributor to a Public Service Superannuation Fund may, within three months after the date he becomes an employee, elect to take the benefit of this section. Any employee who so elects shall pay to the Board an amount equivalent to such part of the sum refunded to him from the Public Service Superannuation Fund when he ceased to be a contributor to that Fund as the Board calculates to be necessary to purchase fully paid up units (but excluding a fraction of a unit) and such person shall be deemed to be a contributor for that number of units but shall not be required to make further contribution in respect of those units.

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Public
Service
Superannua-
tion Fund
contributors
becoming
employees.

(2) The amount payable to the Board pursuant to subsection one of this section shall not include any amount refunded to him in respect of contributions paid by him to the Public Service Superannuation Fund on account of reserve units of pension.

(3) An amount paid to the Board under this section shall be paid into and form part of the Fund, and shall for the purpose of this Act be deemed to be contributions made by the employee to the Fund.

(4) Subject to section twelve of this Act, the employee shall contribute—

(a) for the number of units of pension corresponding to his salary in the scale in subsection one of section twelve of this Act, less the number of units for which he contributed in accordance with subsection one of this section;

(b) at the rate applicable by virtue of section fifteen of this Act, together with any additional payment which may be applicable thereto by virtue of section three of the Superannuation (Amendment) Act, 1951.

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Sec. 11A
applicable.

20D. Nothing in this Part shall be construed as derogating from the application of section 11A of this Act to any such employee.

Employer's
contribution.

20E. Where an employee elects to take the benefit of this Part and pays to the Board the moneys required under subsection one of section 20c of this Act, the employer in whose service the employee is employed, shall contribute forthwith to the Fund a lump sum equal to ten-elevenths of the sum so paid by the employee but will not be required to make before the retirement of the employee any further contribution in respect of the units of pension credited to the employee as fully paid up units.

Further
amendment
of Act No.
28, 1916.**8. (1) The Principal Act is further amended—**Sec. 2.
(Division
of Act.)

(a) by inserting in section two after the matter relating to Part III the following new matter :—

PART IIIA.—COMMONWEALTH OR OTHER
STATE PUBLIC SERVICE SUPERANNUATION
FUND CONTRIBUTORS BECOMING EMPLOY-
EES—ss. 20B–20E.

Sec. 3.
(Interpre-
tation.)

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

(3) (a) A person appointed as a professor of the University of Sydney or the University of New England may elect to contribute to the Fund, and if he so elects shall notwithstanding the definition of “employee” contained in subsection one of this section be deemed to be an employee for the purposes of this Act.

This subsection shall apply to and in respect of any such person appointed as a professor before as well as after the commencement of this subsection.

(b)

(b) The election referred to in paragraph (a) No. 36, 1960. of 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 from the date on which the person is appointed as a professor or within such longer period as the Board may, in special circumstances, allow, or in the case of a person appointed as a professor before the commencement of this subsection, within three months after such commencement.

(c) Contributions by and in respect of any professor who makes the election referred to in paragraph (a) of this subsection shall commence from the first day of the month or of the four-weekly period, as the case may be, in which his employment as a professor commences, or in the case of a person appointed as a professor before the commencement of this subsection, from the date of such commencement.

(d) Any person who makes the election referred to in paragraph (a) of this subsection shall cease to be a contributor unless within the time prescribed for making that election he satisfies the Board that he is not a party to any scheme or arrangement to which the University of Sydney or the University of New England, as the case may be, is also a party and under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

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

(f)

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(f) Subject to paragraphs (d) and (e) of this subsection, any professor who makes the election referred to in paragraph (a) of this subsection shall be entitled to the rights and be subject to the obligations of an employee under this Act.

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

(c) by omitting from subsection one of section eleven the words “within three months after the date on which such person enters the service of an employer” and by inserting in lieu thereof the words “before the expiration of three months from the date on which such person enters the service of an employer as an employee”;

Sec. 12A.
(Right to
contribute
after age
60 or, in
certain cases
after
age 55.)

(d) (i) by inserting in paragraph (a) of subsection two of section 12A after the words “prescribed age” the words “and who was a contributor on reaching that age”;

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

(2A) Any election under subsection two of this section shall be accompanied by an amount equivalent to the contributions :—

(a) in the case of a male at the rate of three hundred and twenty-three pounds eight shillings for each two additional units of pension ;

(b) in the case of a woman who has contributed at rates prescribed for retirement at age fifty-five years and who has not attained the age of sixty years at the time she becomes eligible to elect for additional units under this section at the rate of three hundred and sixty-seven pounds eight shillings for each two additional units of pension ;

(c)

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- (c) in the case of any other woman at the rate of three hundred and twenty-two pounds six shillings for each two additional units of pension. No. 36, 1960.
- (e) by omitting from subsection one of section thirteen the words "is compelled to contribute" and by inserting in lieu thereof the words "was contributing at the time of such reduction"; Sec. 13.
(Employee reduced in salary.)
- (f) by inserting in section 13A after the word "reduction" the words "or such lesser number as the Board in the circumstances considers reasonable"; Sec. 13A.
(Further provisions as to employees reduced in salary.)
- (g) (i) by inserting in paragraph (b) of subsection six of section 15A after the word "death" the words "or retirement"; Sec. 15A.
(Reserve units.)
- (ii) by omitting from subsection seven of the same section the words "subsection five or";
- (iii) by omitting from the same subsection the words :
- "Provided that a contributor who—
- (a) has, before the first day of July, one thousand nine hundred and fifty-five, made an election under subsection five of this section; but
- (b) has not made an election under subsection six of this section,
- may, within three months from that date, elect to contribute for reserve units, but so that the number of reserve units for which he becomes a contributor by virtue of the operation of this proviso, together with the reserve unit, if any, for which he was contributing immediately before that date, shall not exceed four."
- (iv)

Superannuation (Amendment) Act.No. 36, 1960.
—

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

(7A) A contributor who has made an election under subsection five of this section may elect to contribute for reserve units but so that the number of reserve units for which he becomes a contributor by virtue of the operation of this subsection, together with the reserve units, if any, for which he was contributing immediately before his electing under this subsection and any reserve units which may already have been appropriated by him under subsection five of this section shall not exceed four.

Sec. 29.
(Retirement
through
invalidity
not his
own fault.)

(h) (i) by inserting in subsection two of section twenty-nine after the words “application shall” the words “, unless the Board from time to time otherwise so determines,”;

(ii) by omitting from subsection three of the same section the words “(whether recreation leave, extended leave or any other form of leave whatsoever)” and by inserting in lieu thereof the words “other than extended leave”;

New sec.
32B.

(i) by inserting next after section 32A the following new section :—

Refund
where
former
contributor
dies before
pension
com-
mences.

32B. (1) On the death of a former contributor after retirement but before the date on which pension is payable there shall be paid to the personal representatives of such contributor, or failing them, to such persons as the Board may determine, a sum equal to the total of the contributions paid by such contributor to the Fund.

(2) Subsection one of this section shall not apply to a contributor whose widow is entitled to payment of pension under this Act.

(j)

Superannuation (Amendment) Act.

321

- (j) by omitting from subsection one of section thirty-three the words "who were dependent upon him at the time of his death";

No. 36, 1960.
Sec. 33.
(Pension to orphans on death of employee or pensioner.)

- (k) (i) by omitting from paragraph (a) of subsection one of section thirty-seven the word "twice" and by inserting in lieu thereof the words "three and one-half times";

Sec. 37.
(Contributor retrenched has choice of benefits.)

- (ii) by inserting at the end of the same section the following new subsections :—

(5) Where any employee who has been retrenched chooses the lump sum payment referred to in paragraph (a) of subsection one of this section the employer from whose service the employee has been retrenched shall pay to the Fund on requisition by the Board a lump sum equal to one and one-half times the difference between the amount of contributions paid by the employee under this Act and any amount paid by him in accordance with section three of the Superannuation (Amendment) Act, 1951.

(6) For the purposes of paragraph (a) of subsection one and subsection five of this section "contributions" shall not include any amount paid by a contributor in accordance with section three of the Superannuation (Amendment) Act, 1951.

- (1) by inserting at the end of section thirty-eight the following new subsections :—

Sec. 38.
(Refund of contributions.)

(3) An employee who does not make application for or receive a refund of the amount of his contributions and who enters the service of an employer not later than one week after the date of his discharge, dismissal or resignation from the service of the same or another employer may continue to contribute to the Fund as if there had been no break in service of such employee.

Superannuation (Amendment) Act.

No. 36, 1960.

(4) Where a contributor ceases to be employed by one employer and enters the service of another employer not later than one week after ceasing to be so employed and there is a break in the continuity of the payment of contributions by the employer and employee or by either of them, the contributor shall pay to the Fund the contributions that would have been paid by him and his employer in respect of the period of such break if he had not ceased to be so employed.

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

(m) by omitting subsection two of section fifty-one and by inserting in lieu thereof the following subsection :—

(2) In the event of the subsequent retirement on grounds of invalidity or physical or mental incapacity to perform his duties or of the death of a person who has been recalled to the service in accordance with subsection one of this section—

- (a) pension shall, where such retirement or death occurred five years or more after the recall of such person, be paid as provided in this Act but such pension shall not be less than the amount of pension at which he was previously retired;
- (b) pension shall not, where such retirement or death occurred less than five years after the recall of such person, be paid in respect of the number of units of pension in excess of the number for which he was contributing at the time when he was previously retired but in such case pension shall not be less than the amount of pension at which he was previously retired and a lump sum, equal to the contribution paid by him in respect of the number of units of pension in excess of the number in respect of which pension is payable as aforesaid, shall be payable.

(n)

- (n) (i) by omitting from section seventy the words “two members, one of whom shall be an actuary” and by inserting in lieu thereof the words “three members, one of whom shall be an actuary and one of whom shall be a contributor”;

No. 36, 1960.

Sec. 70.
(Constitution of Board.)

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

(2) The contributor to be appointed pursuant to subsection one of this section shall be nominated by the Minister after consultation with such persons, authorities, organisations and associations as the Minister thinks fit.

- (o) by omitting section seventy-one and by inserting in lieu thereof the following section :—

Subst. sec. 71.

71. The members of the Board other than the contributor shall be appointed for a term of seven years, the contributor shall be appointed for a term of three years, and any member shall be eligible for reappointment.

Term of office.

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

Sec. 75.
(Vacation of office.)

- (e) being the person appointed as a contributor ceases to be a contributor.

- (q) (i) by inserting in section seventy-seven after the word “president” the words “and the contributor”;

Sec. 77.
(Remuneration of other members.)

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

The contributor shall be paid such fees for each meeting of the Board at which he is in attendance as the Governor may from time to time determine.

(r)

Superannuation (Amendment) Act.

No. 36, 1960. (r) by omitting section seventy-nine and by inserting in lieu thereof the following section :—

Subst.
sec. 79.

Where
voting
equal.

79. Where the voting at any meeting of the Board is equal the president shall in addition to having a deliberative vote have a casting vote.

New
sec. 80A.

(s) by inserting next after section eighty the following new section :—

Acquisition
of office
accommo-
dation.

80A. (1) Notwithstanding anything elsewhere contained in this Act the Board shall have power and shall be deemed always to have had power to apply any moneys in the Fund which are not immediately required for the purposes of the Fund—

- (a) to the acquisition of a building which the Minister may approve as suitable for the office accommodation of the Board, the secretary, actuary and staff of the Board, or in the acquisition of land and the construction thereon of a building which the Minister may approve as suitable for such purposes;
- (b) to the maintenance, repair and management of such building;
- (c) to the payment of rates, charges and outgoings payable in respect of such building.

A building shall not be deemed to be unsuitable on the ground that it will provide more accommodation than is adequate for the office accommodation of the Board, the secretary, actuary and staff of the Board.

(2) All rent and other moneys received in respect of the building referred to in subsection one of this section shall be paid to the credit of the Fund.

(t)

- (t) by omitting from paragraph (a) of subsection one of section 88A the words "two hundred pounds" and by inserting in lieu thereof the words "five hundred pounds"; No. 36, 1960.
Sec. 88A.
(Payment without probate etc.)
- (u) by inserting in section ninety-four after the word "State" wherever occurring the words "or of any employer for the time being included in Schedule III to this Act"; Sec. 94.
(Person entitled to pension subsequently employed.)
- (v) by inserting at the end of Schedule III the following new matter :— Schedule III.
 - The New South Wales Teachers' Federation.
 - Public Service Association of New South Wales.

(2) The amendment made by paragraph (d) of subsection one of this section shall be deemed to have commenced upon the thirtieth day of April, one thousand nine hundred and fifty-seven.

(3) The amendments made by paragraphs (n) and (o) of subsection one of this section shall not prejudice or affect the continuity of the body corporate constituted under Part VI of the Principal Act, but the same shall continue notwithstanding the said amendments.

The persons who held office as members of the Board immediately before the commencement of this Act shall continue to hold office as such members for the residue of the term for which they were appointed.

9. (1) The Murrumbidgee Electricity Undertaking Transfer Act, 1955, is amended by inserting in subsection four of section eight after the word "contributions" the words "and payments"; Amendment of Act No. 24, 1955.
Sec. 8.
(Transfer of electrical inspectors and certain clerical officers to the Council.)

(2) The amendment made by subsection one of this section shall be deemed to have commenced upon the twenty-sixth day of April, one thousand nine hundred and fifty-five.