

## SUPERANNUATION (AMENDMENT) ACT.

### Act No. 30, 1965.

An Act to provide for an increase in value of pension units and an extension of the scale of units under the Superannuation Act, 1916-1964; for these and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 17th December, 1965.]

Elizabeth II,  
No. 30, 1965

**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, 1965".

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

(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, 1916-1965.

(3)

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No. 30, 1965 (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 February, one thousand nine hundred and sixty-six.

Increase of rates of certain pensions.

2. Where any pension payable under the Principal Act, other than a pension in respect of children, was at the commencement of this section payable to or after such commencement becomes payable to any person under the Superannuation Act, 1916, as amended by subsequent enactments, other than this section, such pension shall, as from such commencement, or as from the date after such commencement upon which such person so becomes entitled to such pension, as the case may be, be increased by one-eighth.

Any reference in the Principal Act to any such pension shall be read and construed as a reference to such pension as so increased.

Any additional amount applicable to any such pension by virtue of section two of the Superannuation (Amendment) Act, 1960, shall not be taken into consideration for the purpose of determining the pension payable at the commencement of this section or the date after such commencement at which such pension becomes so payable.

Amendment of Act No. 28, 1916.

3. The Principal Act is amended—

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

(a) by omitting from paragraph (a) of subsection one of section 5A the words "of the Commonwealth" and by inserting in lieu thereof the words "or Territory, including a Territory under trusteeship, of the Commonwealth";

(b)

(b) by inserting next after section 9A the following new section :—

No. 30, 1965  
New sec.  
9B.

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

Employers  
to meet  
cost of  
certain  
increased  
pensions.

1.0275 I

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

.0275 (A + B)

the employers shall, in addition to the difference (if any) payable under section 9A of this Act, pay to the fund in the manner hereinafter provided an amount equal to the difference between those amounts, or an amount equal to the total amount of increase in pensions paid or payable in that financial year in accordance with the provisions of section two of the Superannuation (Amendment) Act, 1965, whichever is the lesser amount.

(2) Of such difference (if any) payable pursuant to subsection one of this section each employer shall pay to the fund on the requisition of the Board the sum which bears to such difference the same proportion as the total amount of the increase in pensions paid or payable by reason of the enactment of section two of the Superannuation (Amendment) Act, 1965, during the financial year in question to pensioners or to the widows of deceased pensioners or contributors who were employed in the service of such employer at the date of their retirement, retrenchment or death, as the case may be, bears to the aggregate amount of the increase in pensions so paid or payable during that year.

(3) The provisions of subsection three of section 9A of this Act shall apply to this section.

**Superannuation (Amendment) Act.****No. 30, 1965 4. The Principal Act is further amended—**

Further  
amendment  
of Act No.  
28, 1916.

Sec. 11.  
(Contribu-  
tions—  
when to  
commence.)

- (a) by inserting in subsection one of section eleven after the words "from contributing under this Act." the words "Any unit or units in excess of the reduced number in respect of which an employee contributes pursuant to the foregoing provisions of this subsection as enacted before or after the commencement of section four of the Superannuation (Amendment) Act, 1965, up to the maximum number prescribed for her salary in accordance with the scale set out in subsection one of section twelve of this Act shall be deemed to be abandoned units within the meaning of paragraph (b) of the proviso to the said subsection one of section twelve.";
- (b) (i) by omitting paragraph (d) of the same subsection;
- (ii) by omitting from the same subsection the words "In the case of a person referred to in paragraph (d) of this proviso the application shall be made within three months from the date on which such person enters the service of the Macquarie University, but no such exemption shall be granted by the Board except upon the recommendation of the Council of that University";
- (c) (i) by omitting from subsection two of the same section the words "or dies" wherever occurring; and
- (ii) by omitting from the same subsection the words "or retires" wherever occurring.

Further  
amendment  
of Act No.  
28, 1916.

**5. The Principal Act is further amended—**

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

- (a) by omitting from the scale set out in subsection one of section twelve all the words, figures and symbols after

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after "162 10 0" and by inserting in lieu thereof the No. 30, 1965 words, figures and symbols :—

390	480	Six units, or	..	..	..	195	0	0
480	570	Seven units, or	..	..	..	227	10	0
570	660	Eight units, or	..	..	..	260	0	0
660	750	Nine units, or	..	..	..	292	10	0
750	830	Ten units, or	..	..	..	325	0	0
830	910	Eleven units, or	..	..	..	357	10	0
910	990	Twelve units, or	..	..	..	390	0	0
990	1,070	Thirteen units, or	..	..	..	422	10	0
1,070	1,150	Fourteen units, or	..	..	..	455	0	0
1,150	1,230	Fifteen units, or	..	..	..	487	10	0
1,230	1,310	Sixteen units, or	..	..	..	520	0	0
1,310	1,390	Seventeen units, or	..	..	..	552	10	0
1,390	1,470	Eighteen units, or	..	..	..	585	0	0
1,470	1,550	Nineteen units, or	..	..	..	617	10	0
1,550	1,630	Twenty units, or	..	..	..	650	0	0
1,630	1,710	Twenty-one units, or	..	..	..	682	10	0
1,710	1,790	Twenty-two units, or	..	..	..	715	0	0
1,790	1,870	Twenty-three units, or	..	..	..	747	10	0
1,870	1,990	Twenty-four units, or	..	..	..	780	0	0
1,990	2,110	Twenty-five units, or	..	..	..	812	10	0
2,110	2,230	Twenty-six units, or	..	..	..	845	0	0
2,230	2,350	Twenty-seven units, or	..	..	..	877	10	0
2,350	2,470	Twenty-eight units, or	..	..	..	910	0	0
2,470	2,600	Twenty-nine units, or	..	..	..	942	10	0
2,600	2,730	Thirty units, or	..	..	..	975	0	0
2,730	2,860	Thirty-one units, or	..	..	..	1,007	10	0
2,860	2,990	Thirty-two units, or	..	..	..	1,040	0	0
2,990	3,120	Thirty-three units, or	..	..	..	1,072	10	0
3,120	3,250	Thirty-four units, or	..	..	..	1,105	0	0
3,250	3,380	Thirty-five units, or	..	..	..	1,137	10	0
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	5,070	Forty-eight units, or	..	..	..	1,560	0	0
5,070	5,265	Forty-nine units, or	..	..	..	1,592	10	0
5,265	5,460	Fifty units, or	..	..	..	1,625	0	0
5,460	5,655	Fifty-one units, or	..	..	..	1,657	10	0
5,655	5,850	Fifty-two units, or	..	..	..	1,690	0	0
5,850	6,045	Fifty-three units, or	..	..	..	1,722	10	0
6,045	6,240	Fifty-four units, or	..	..	..	1,755	0	0
6,240	6,435	Fifty-five units, or	..	..	..	1,787	10	0
6,435	6,630	Fifty-six units, or	..	..	..	1,820	0	0
6,630	6,825	Fifty-seven units, or	..	..	..	1,852	10	0
6,825	..	Fifty-eight units, or	..	..	..	1,885	0	0

(b)

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- (b) by omitting from the same subsection the words "The amounts" and by inserting in lieu thereof the words "Subject to any Act amending this Act the amounts";
- (c) by inserting in subparagraph (i) of paragraph (b) of the proviso to the same subsection after the words "so increased," where thirdly occurring the words "or in the case of an employee under the age of thirty years contributing for forty-eight units of pension immediately before the commencement of section five of the Superannuation (Amendment) Act, 1965, his salary is, on or after such commencement, so increased,";
- (d) by inserting in the same subparagraph after the words "paid on that date." where thirdly occurring the words "Where at the date of the commencement of section five of the Superannuation (Amendment) Act, 1965, the actual salary of an employee is in excess of the annual rate of five thousand and seventy 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.";
- (e) by inserting in subparagraph (ii) of paragraph (b) of the proviso to the same subsection after the figures "1963," the words "or of paragraph (g) of this proviso, or of subsection one of section eleven, as enacted before or after the commencement of section five of the Superannuation (Amendment) Act, 1965,";

**(f)**

- (f) by omitting from subparagraph (iv) of the same No. 30, 1965 paragraph the words “commencement of section seven of the Superannuation (Amendment) Act, 1963” and by inserting in lieu thereof the words “commencement of section five of the Superannuation (Amendment) Act, 1965”;
- (g) by omitting from subparagraph (v) of the same paragraph the words “commencement of section seven of the Superannuation (Amendment) Act, 1963” and by inserting in lieu thereof the words “commencement of section five of the Superannuation (Amendment) Act, 1965”;
- (h) by inserting in paragraph (g) of the proviso to the same subsection after the words “contribute to the fund.” the following paragraph :—
- Any unit or units in excess of the reduced number in respect of which an employee contributes pursuant to the foregoing provisions of this paragraph as enacted before or after the commencement of section five of the Superannuation (Amendment) Act, 1965, up to the maximum number prescribed for her salary in accordance with the scale set out in this subsection shall be deemed to be abandoned units within the meaning of paragraph (b) of this proviso.
- (i) by omitting from paragraph (a) of subsection (1A) of the same section the words “commencement of section seven of the Superannuation (Amendment) Act, 1963” and by inserting in lieu thereof the words “commencement of section five of the Superannuation (Amendment) Act, 1965”;
- (j) by omitting from paragraph (c) of the same subsection the words “this subsection” where secondly and thirdly occurring and by inserting in lieu thereof the words “section five of the Superannuation (Amendment) Act, 1965,”;
- (k)

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- (k) by omitting from paragraph (a) of subsection (1B) of the same section the words “commencement of section seven of the Superannuation (Amendment) Act, 1963” and by inserting in lieu thereof the words “commencement of section five of the Superannuation (Amendment) Act, 1965”;
- (l) by omitting from paragraph (c) of the same subsection the words “commencement of section seven of the Superannuation (Amendment) Act, 1963” and by inserting in lieu thereof the words “commencement of section five of the Superannuation (Amendment) Act, 1965”;
- (m) by omitting from subsection (1C) of the same section the words “commencement of section seven of the Superannuation (Amendment) Act, 1963” and by inserting in lieu thereof the words “commencement of section five of the Superannuation (Amendment) Act, 1965”;
- (n) by omitting from the same subsection the words “paragraph (a) of subsection one of section seven of the Superannuation (Amendment) Act, 1963” and by inserting in lieu thereof the words “paragraph (a) of section five of the Superannuation (Amendment) Act, 1965”.

Further amendment of Act No. 28, 1916.

**6. The Principal Act is further amended—**

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

- (a) (i) by inserting in subsection two of section 12A after the words “salary falls at such commencement.” the words “Where an employee has before the commencement of section five of the Superannuation (Amendment) Act, 1965, reached the prescribed age and his salary at such commencement was in excess of the annual rate of five thousand and seventy pounds



pounds per annum, his salary shall, if he is an No. 30, 1965 employee at such commencement, 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.”;

- (ii) by omitting from subparagraph (i) of the same subsection the words “the Superannuation (Amendment) Act, 1957” and by inserting in lieu thereof the words “section five of the Superannuation (Amendment) Act, 1965”;
- (iii) by inserting after subparagraph (ii) of the same subsection the following paragraph :—

Where immediately before the commencement of section five of the Superannuation (Amendment) Act, 1965, the time within which an employee had a right to make an election under this subsection had not expired, the right of that employee to make an election shall, notwithstanding the amendment made by paragraph (a) of section five of that Act, be deemed to continue until the expiration of that time.

- (iv) by inserting at the end of subsection (2A) of the same section the following new paragraph :—

This subsection shall not apply in any case where an election to contribute for an additional unit or units of pension has been made in accordance with section 12B of this Act.

- (v) by inserting at the end of subsection four of the same section the words “, section 12B excepted”;

(b)

**Superannuation (Amendment) Act.**

No. 30, 1965

New sec.  
12B.Contribu-  
tions in  
certain  
cases.

(b) by inserting next after section 12A the following new section :—

12B. (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 years, the age of fifty years;
- (b) in the case of any other employee, the age of fifty-five years.

(2) Where after the commencement of section six of the Superannuation (Amendment) Act, 1965, an employee has, whether before or after that commencement, reached the prescribed age and after reaching that age becomes eligible to contribute or to elect to contribute for an additional unit or units in accordance with the provisions of section twelve or 12A of this Act, he may, notwithstanding any other provisions of this Act, elect to contribute the total amount of the contributions payable in respect of the additional unit or units—

- (a) in the case of an employee whose contributions are payable monthly, by sixty equal monthly instalments commencing on the first day of the month in which he becomes eligible to contribute or to elect to contribute for the additional unit or units; and
- (b) in the case of an employee whose contributions are payable four-weekly, by sixty-five equal four-weekly instalments commencing on the first day of the four-weekly contribution period in which he becomes eligible to contribute or to elect to contribute for the additional unit or units.

(3)

(3) An election under this section shall be <sup>No. 30, 1965</sup> in writing and shall be forwarded so as to be received in the office of the Board—

(a) in the case of an employee who becomes eligible to contribute or to elect to contribute for an additional unit or units in pursuance of the amendments to this Act made by the Superannuation (Amendment) Act, 1965, within a period of three months from the date of commencement of those amendments; or

(b) in the case of an employee, not being an employee to whom paragraph (a) of this subsection applies, who becomes eligible to contribute or to elect to contribute for an additional unit or units in accordance with the provisions of section twelve or 12A of this Act, a period of three months after the date upon which salary at the increased rate is actually paid,

or within such further period as the Board may, in special circumstances, allow.

(4) An employee who does not elect in accordance with this section within the period prescribed by subsection three of this section or within such further period as the Board may, in special circumstances, allow, shall pay contributions in accordance with the provisions of this Act (this section excepted) and any Act amending the same or an amount equivalent to such contributions in accordance with the provisions of subsection (2A) of section 12A of this Act, as the case may require.

(5) Where an employee who has made an election in accordance with this section ceases to be employed by the employer prior to completion of payment of contributions by the instalments  
specified

specified in paragraph (a) or (b), as the case may be, of subsection two of this section the following provisions shall apply :—

- (a) where the employee retires after reaching the age of sixty years or, being a woman who has contributed at rates prescribed for retirement at the age of fifty-five years, after reaching that age, the total amount of contributions unpaid shall be paid on or before the date upon which such employee ceases to be so employed;
- (b) where the employee is retired in accordance with the provisions of section twenty-two of this Act or elects to retire on a pension calculated in accordance with the provisions of section 28A of this Act, the total amount of contributions up to and including the last day of the month or the four-weekly contribution period, as the case may be, in which such employee ceases to be employed shall be paid on or before the date upon which such employee ceases to be so employed;
- (c) where the employee dies and is survived by a widow to whom pension is payable in accordance with section thirty of this Act, such widow shall within three months after the death of the employee pay the total amount of contributions unpaid at the date of his death.

(6) Where the total amount of contributions required to be paid by paragraph (a), (b) or (c) of subsection five of this section is not paid within the time prescribed the employee or the widow of the employee, as the case may be, shall be refunded the amount of the contributions paid in respect of the additional unit or units for which such employee elected to contribute in accordance with this section.

Where

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Where any refund is payable under this sub-section any rights in the fund in respect of such additional unit or units shall cease and determine. **No. 30, 1965**

(7) No rights in the fund shall accrue in respect of any additional unit or units of pension contributed for under subsection two of this section by an employee referred to in subsection three or four of section sixteen of this Act unless contributions for a period of one year have been paid in accordance with the provisions of this section in respect of such additional unit or units.

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

Further amendment of Act No. 28, 1916.

- (a) (i) by omitting from subsection one of section twenty-six the words “thirty-two pounds ten shillings per annum” and by inserting in lieu thereof the words “twelve shillings and sixpence per week”; **Sec. 26. (Pension unit.)**
- (ii) by inserting at the end of the same subsection the following paragraphs :—

In respect of employees who became contributors on or after the first day of July, one thousand nine hundred and sixty-three and before the first day of February, one thousand nine hundred and sixty-six, or who become contributors on or after the said first day of February, the sum of one pound per week shall, subject to the Superannuation (Amendment) Act, 1965, and to any subsequent Act amending this Act, be the unit of pension.

Where pension is in this Act or any Act amending this Act referable to an annual rate such pension shall be based upon a rate referable to a period of three hundred and sixty-four days.

(b)

**Superannuation (Amendment) Act.**

No. 30, 1965

Sec. 27.

(Amount of pension on retirement.)

(b) by inserting at the end of the scale set out in subsection one of section twenty-seven the following words and figures :—

Forty-nine units	..	1,592	10	0
Fifty units	..	1,625	0	0
Fifty-one units	..	1,657	10	0
Fifty-two units	..	1,690	0	0
Fifty-three units	..	1,722	10	0
Fifty-four units	..	1,755	0	0
Fifty-five units	..	1,787	10	0
Fifty-six units	..	1,820	0	0
Fifty-seven units	..	1,852	10	0
Fifty-eight units	..	1,885	0	0

Sec. 28A.

(Pension on retirement before 60.)

(c) (i) by omitting from subsection one of section 28A the words “of retirement, one three hundred and sixty-fifth part” and by inserting in lieu thereof the words “preceding that upon which pension commences to be payable in accordance with subsection three of this section, one three hundred and sixty-fourth part”;

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

(4) Contributions payable by and in respect of a contributor whose pension is determined in accordance with this section 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 pension commences to be payable in accordance with subsection three of this section.

Subst. sec. 45.

Pensions payable fortnightly.

(d) by omitting section forty-five and by inserting in lieu thereof the following section :—

45. Pensions shall be payable by equal fortnightly instalments.

(2)

(2) Paragraph (d) of subsection one of this section No. 30, 1965 shall commence upon the twenty-fourth day of February, one thousand nine hundred and sixty-six.

8. (1) This section shall be deemed to have commenced upon the first day of January, one thousand nine hundred and sixty-three.

Amendment  
of Act No.  
3, 1963.  
Sec. 3.

(2) The Superannuation (Amendment) Act, 1963, is amended by omitting from subsection three of section three the word "person" where secondly occurring and by inserting in lieu thereof the word "pension".

(Increase  
of rates  
of certain  
pensions—  
more than  
12 units.)

9. The Macquarie University Act, 1964, is amended—

Amendment  
of Act No.  
29, 1964.

(a) by omitting from subparagraph (ii) of paragraph (a) of subsection one of section thirty-four the words "the same subsection" and by inserting in lieu thereof the words "subsection three of the same section";

Sec. 34.  
(Amendment  
of Act No.  
28, 1916.)

(b) by omitting paragraph (b) of the same subsection.

