

SUPERANNUATION (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 98, 1975.

An Act to make further provisions in relation to the rate of contributions payable by certain employees, the commutation of pensions and the determination of contributory service under the Superannuation Act, 1916; to amend the definition of "Salary" in section 3 (1) of that Act; to make special provisions as to the rate of contributions payable from 13th January, 1976, to 12th January, 1977; to enable certain persons to elect to become contributors to the State Superannuation Fund; for these and other purposes to amend the

Superannuation

Superannuation (Amendment).

No. 98, 1975 Superannuation Act, 1916, the Superannuation (Amendment) Act, 1974, and certain other Acts; and to validate certain matters. [Assented to, 17th December, 1975.]

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. 1. This Act may be cited as the "Superannuation (Amendment) Act, 1975".

**Commence-
ment.** 2. (1) Except as provided in this section, this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–17, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedules 1, 2, 4 (4) and 6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 4 (1) shall be deemed to have commenced on 28th November, 1972.

(5) Schedule 4 (2) shall be deemed to have commenced on 1st July, 1948.

(6) Schedule 5 (1) shall be deemed to have commenced on 7th December, 1973.

(7)

Superannuation (Amendment).

(7) Schedule 5 (2) shall be deemed to have commenced on 27th September, 1974. **No. 98, 1975**

(8) Schedules 7 and 11 shall be deemed to have commenced on 28th November, 1972.

(9) Schedule 14 shall be deemed to have commenced on 1st February, 1966.

(10) Schedule 15 shall be deemed to have commenced on 14th February, 1966.

(11) Schedule 16 shall be deemed to have commenced on 28th November, 1972.

(12) Schedule 17 shall be deemed to have commenced on 3rd May, 1974.

3. This Act shall be read and construed with, and as if it formed part of, the Superannuation Act, 1916, which is referred to in this Act as the Principal Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO SALARY.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE PRESCRIBED AGE.

SCHEDULE 3.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE PRESCRIBED AGE.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO RESERVE UNITS OF PENSION.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE COMMUTING OF PENSIONS.

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SCHEDULE 6.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE COMMUTING OF PENSIONS.

SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE CONTINUITY OF CONTRIBUTORY SERVICE.

SCHEDULE 8.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE STATE SUPERANNUATION BOARD.

SCHEDULE 9.—AMENDMENT TO THE PRINCIPAL ACT, RELATING TO PAYMENTS WITHOUT PROBATE, ETC.

SCHEDULE 10.—AMENDMENT TO THE PRINCIPAL ACT, RELATING TO EMPLOYEES OF AUTHORITIES ADDED TO SCHEDULE III TO THAT ACT.

SCHEDULE 11.—AMENDMENT TO THE PRINCIPAL ACT, RELATING TO ELECTIONS.

SCHEDULE 12.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO 12TH JANUARY, 1977.

SCHEDULE 13.—AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 14.—AMENDMENTS TO THE SUPERANNUATION (AMENDMENT) ACT, 1965.

SCHEDULE 15.—AMENDMENT TO THE SUPERANNUATION (DECIMAL CURRENCY) AMENDMENT ACT, 1965.

SCHEDULE 16.—AMENDMENT TO THE SUPERANNUATION (AMENDMENT) ACT, 1972.

SCHEDULE 17.—AMENDMENTS TO THE SUPERANNUATION (AMENDMENT) ACT, 1974.

Superannuation (Amendment).

5. (1) The Principal Act is amended in the manner set forth in Schedules 1-13. **No. 98, 1975**

Amendment
of Act No.
28, 1916.

(2) The Superannuation (Amendment) Act, 1965, is amended in the manner set forth in Schedule 14. **Amendment
of Act No.
30, 1965.**

(3) The Superannuation (Decimal Currency) Amendment Act, 1965, is amended in the manner set forth in Schedule 15. **Amendment
of Act No.
37, 1965.**

(4) The Superannuation (Amendment) Act, 1972, is amended in the manner set forth in Schedule 16. **Amendment
of Act No.
66, 1972.**

(5) The Superannuation (Amendment) Act, 1974, is amended in the manner set forth in Schedule 17. **Amendment
of Act No.
44, 1974.**

6. (1) For the purposes of section 12D (1) of the Principal Act, as amended by Schedule 1, regard shall be had to any period before the commencement of that Schedule, as well as to any period after that commencement. **Transitional
provisions:
Schedule 1.**

(2) Where, but for this subsection, a contributor would cease contributing for any units by reason of the substitution by this Act of the definition of "Salary" in section 3 (1) of the Principal Act, he is entitled, notwithstanding section 13 of the Principal Act, to continue to contribute for those units.

(3) A contributor is only entitled, by virtue of subsection (2), to contribute for a unit until he would, apart from that subsection, be required or entitled to contribute for that unit in consequence of one or more increases in his salary.

7.

Superannuation (Amendment).

No. 98, 1975 **7.** Any act, matter or thing done or omitted to be done before the date of assent to this Act that would have been valid had the amendments in Schedule 3 been in force at the time when the act, matter or thing was done or omitted to be done is validated.

Validation:
Schedule 3.

Saving: **8.** The Principal Act applies to and in respect of an election made under section 21A or 21B of that Act before the commencement of Schedule 6 as if that Schedule had not been enacted.

Schedule 6.

Sec. 5 (1).

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO SALARY.

(1) (a) Section 3 (1), definition of "Relieving allowance"—

Before the definition of "Salary", insert :—

"Relieving allowance" means an allowance paid to the holder of an office or position for performing any or all of the duties of another office or position, without his being appointed to that other office or position on a permanent basis.

(b) Section 3 (1), definition of "Salary" —

Omit the definition, insert instead :—

"Salary" means salary, wages or allowance payable in money at an annual rate to an employee in his capacity as an employee, but does not include—

(a) an amount paid for overtime or as a bonus;

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 1—*continued.*

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AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
SALARY—*continued.*

- (b) subject to section 12D, a relieving allowance;
- (c) an expense allowance or an allowance for travelling, subsistence or other expenses;
- (d) an amount paid for rent or as a residence, housing or quarters allowance;
- (e) a climatic allowance or an allowance for equipment; or
- (f) an allowance of a kind prescribed for the purposes of this paragraph.

(2) Section 12D—

Before section 13, insert :—

12D. (1) Where—

- (a) a relieving allowance is to be or is being paid to an employee in his capacity as an employee; and
- (b) his employer, or a person duly authorised to do so on behalf of the employer, certifies in writing to the Board that it is likely that the allowance will be payable for a continuous period of at least 12 months (whether or not that period is partly before the date of the certificate),

Relieving
allowances.

SCHEDULE

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
SALARY—*continued.*

then, for the purposes of this Act, the Board may, as from the date when the certificate is received in the office of the Board or the date when the allowance becomes payable, whichever is the later, treat the allowance as part of the employee's salary, so long as he continues to be paid the allowance.

(2) Where—

- (a) a relieving allowance has been paid to an employee in his capacity as an employee for a continuous period of 12 months; and
- (b) the allowance is not being treated as part of the employee's salary under subsection (1),

then, for the purposes of this Act, the allowance shall, as from the expiration of that period of 12 months ~~or~~ the commencement of this section, whichever is the later, be treated as part of the employee's salary, so long as he continues to be paid the allowance.

(3) Section 13A (2), (3)—

At the end of section 13A, insert :—

(2) Where, but for this subsection, a contributor would cease contributing for any units by reason of the making of a regulation for the purposes of paragraph (f) of the definition of "Salary" in section 3 (1), he is entitled, notwithstanding section 13, to continue to contribute for those units.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 1—*continued.*

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AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
SALARY—*continued.*

(3) A contributor is only entitled, by virtue of subsection (2), to contribute for a unit until he would, apart from that subsection, be required or entitled to contribute for that unit in consequence of one or more increases in his salary.

SCHEDULE 2.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE
PRESCRIBED AGE.

(1) Section 3 (7) (b) (ii)—

After "12B", insert "or 12C".

(2) Section 12B (2)—

After "1972.", insert "but before the commencement of Schedule 2 to the Superannuation (Amendment) Act, 1975,".

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE
PRESCRIBED AGE—*continued.*

(3) Section 12C—

After section 12B, insert :—

12C. (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 the age of 55 years—the age of 50 years; or
- (b) in the case of any other employee—the age of 55 years.

(2) Where, after the commencement of Schedule 2 to the Superannuation (Amendment) Act, 1975, an employee who has reached the prescribed age elects or is required to contribute in respect of an additional unit or units of pension, he shall, subject to this section but notwithstanding any other provision of this Act, contribute the total amount of the contributions payable in respect of the additional unit or units of pension by not more than 65 four-weekly instalments commencing on the first day of the four-weekly contribution period in which he is required to commence to contribute for the additional unit or units, each such instalment being not less than an amount determined by the Board, being an amount that is, or is not less by more than a fraction of a cent than, one sixty-fifth of that total amount.

Contributions in certain cases after commencement of Sch. 2 to Superannuation (Amendment) Act, 1975.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 2—*continued.*

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AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE
PRESCRIBED AGE—*continued.*

(3) An employee referred to in subsection (2) may elect to contribute for the additional unit or units at such rate as is specified by him in the election (being a rate that is higher or lower than, or the same as, the rate that would be applicable had this section not been enacted, but higher than the rate that would be applicable had he not made the election).

(4) Where an employee referred to in subsection (2) ceases to be employed by the employer prior to completion of payment of instalments pursuant to subsection (2) or (3), the following provisions apply :—

- (a) where the employee retires after reaching the age of 60 years or, being a woman who has contributed at rates prescribed for retirement at the age of 55 years, after reaching that age, the total amount of contributions unpaid as at the date of retirement shall be paid within one month after the date upon which the employee ceases to be so employed, or within such further period as the Board may, in special circumstances, allow;
- (b) where the employee is retired in accordance with section 22 or elects to retire on a pension calculated in accordance with section 28A, the total amount of contributions unpaid as at the last day of the four-weekly contribution period preceding that in which the employee ceases to be

SCHEDULE

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE
PRESCRIBED AGE—*continued.*

employed shall be paid within one month after the date upon which the employee ceases to be so employed, or within such further period as the Board may, in special circumstances, allow;

- (c) where the employee dies and is survived by a widow to whom pension is payable in accordance with section 30, the widow shall within 3 months after the death of the employee, or within such further period as the Board may in special circumstances allow, pay the total amount of contributions unpaid as at the date of his death.

(5) Where the total amount of contributions required to be paid by subsection (4) (a), (b) or (c) is not paid within the time prescribed, or within such further period as the Board may in special circumstances allow, the employee or the widow of the employee, as the case may be, shall be refunded the amount of the instalments paid pursuant to subsection (2) or (3).

(6) Where any refund is payable under subsection (5), any rights in the Fund in respect of the additional unit or units to which the refund relates shall cease and determine.

(7) No rights in the Fund shall accrue in respect of any additional unit or units of pension contributed for under subsection (2) or (3) by an employee referred to in section 16 (3) or (4), unless contributions for a period of one year have been paid in accordance with section 16 (3) or (4), as the case may require, in respect of the additional unit or units.

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*Superannuation (Amendment).*SCHEDULE 2—*continued.*

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AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE
PRESCRIBED AGE—*continued.*

(8) A reference in subsection (4) to the total amount of contributions unpaid as at a particular date is a reference to the total amount of contributions that would have been payable up to and including that date had this section not been enacted, less the amount of instalments paid pursuant to subsection (2) or (3).

SCHEDULE 3.

Sec. 5 (1).

FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE
PRESCRIBED AGE.

(1) (a) Section 12B (5)—

Omit “contributions” where firstly occurring, insert instead “instalments”.

(b) Section 12B (5) (a)—

After “unpaid”, insert “as at the date of retirement”.

(c) Section 12B (5) (b)—

Omit “up to and including”, insert instead “unpaid as at”.

(d) Section 12B (5) (c)—

After “unpaid”, insert “as”.

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SCHEDULE 3—*continued.*FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO ADDITIONAL UNITS TAKEN BY EMPLOYEES OF THE
PRESCRIBED AGE—*continued.*

(2) Section 12B (6)—

Omit “contributions” where secondly occurring, insert instead “instalments”.

(3) Section 12B (7)—

Omit the subsection, insert instead :—

(7) No rights in the Fund shall accrue in respect of any additional unit or units of pension contributed for under subsection (2) by an employee referred to in section 16 (3) or (4), unless contributions for a period of one year have been paid in accordance with section 16 (3) or (4), as the case may require, in respect of the additional unit or units.

(4) Section 12B (8)—

After section 12B (7), insert :—

(8) A reference in subsection (5) to the total amount of contributions unpaid as at a particular date is a reference to the total amount of contributions that would have been payable up to and including that date had this section not been enacted, less the amount of instalments paid pursuant to subsection (2).

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SCHEDULE 4.

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AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO RESERVE UNITS OF PENSION. ^{Sec. 5 (1).}

(1) Section 15A (1A)—

Omit the subsection.

(2) Section 15A (5) (a)—

Omit "together with the interest thereon as aforesaid".

(3) Section 15A (6) (b)—

At the end of the paragraph, insert :—

Where the contributor ceases to be an employee otherwise than by reason of his death or retirement, there shall be paid, in addition, interest on the contributions in respect of the reserve units for which he has contributed for at least ten years, that interest being compounded annually at the specified rate from the respective dates of payment.

(4) Section 15A (8) (b)—

Omit the paragraph, insert instead :—

(b) Where a contributor makes an election under subsection (5) to appropriate reserve unit contributions to an additional unit of pension, the employer shall, in respect of the additional unit, contribute to the Fund at the rate at which he would have been required to contribute if the employee had taken up the additional unit without making that election.

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SCHEDULE 5.

Sec. 5 (1). AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
COMMUTING OF PENSIONS.

(1) Section 21A (1A)—

After “1974”, insert “, and that amount is additional to any other amount that may not be commuted under this section”.

(2) Section 21A (1B)—

After “Part IV”, insert “, and that amount is additional to any other amount that may not be commuted under this section”.

Sec. 5 (1).

SCHEDULE 6.

FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO THE COMMUTING OF PENSIONS.

(1) (a) Section 21A (2)—

Omit “Any person”, insert instead “Subject to section 21AA, any person”.

(b) Section 21A (2)—

After “to do so”, insert “at any time”.

(c) Section 21A (2)—

Omit “fifty-nine years”, insert instead “59 years and 6 months”.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*

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FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO THE COMMUTING OF PENSIONS—*continued.*

(d) Section 21A (2)—

After “in respect of” where firstly occurring, insert “2”.

(e) Section 21A (2)—

After “as from” where firstly occurring, insert “2”.

(f) Section 21A (6)–(11)—

After section 21A (5), insert :—

(6) Subject to section 21AA, a person may, with the approval of the Board, make more than one election under this section, but only one such election made after the commencement of Schedule 6 to the Superannuation (Amendment) Act, 1975, shall take effect.

(7) Where a person makes an election under section 23BA to take up additional units, nothing in subsection (6) applies to an election made under this section in respect only of any of the pension payable in respect of those additional units, but—

- (a) a person may not, without the approval of the Board, make more than one such election under this section in respect of that pension; and
- (b) only one such election made by him under this section in respect of that pension shall take effect.

SCHEDULE

FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO THE COMMUTING OF PENSIONS—*continued.*

(8) Subsections (6) and (7) apply to and in respect of an election under this section whether or not the election has been amended or revoked.

(9) The approval of the Board may only be given for the purposes of subsection (6) or (7) in special circumstances.

(10) An election made under this section by an employee before the day on which he attained the age of 60 years shall be deemed to be revoked if he has not retired before the expiration of 12 months after attaining that age.

(11) An election made under this section by an employee on or after the day on which he attained the age of 60 years shall be deemed to be revoked if he has not retired before the expiration of 12 months after he made the election.

(2) Section 21AA—

After section 21A, insert :—

Limitations
on elections
under sec.
21A.

21AA. (1) Subject to this section, a person (not being a person referred to in subsection (2)) may not make an election under section 21A after the expiration of 6 months after—

- (a) where he retired on or before the day on which he attained the age of 60 years—the day on which he attained that age; or
- (b) where he retired after the day on which he attained that age—the day on which he retired.

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*Superannuation (Amendment).*SCHEDULE 6—*continued.*

No. 98, 1975

FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO THE COMMUTING OF PENSIONS—*continued.*

(2) Subject to this section, a widow who is entitled to commute a pension in pursuance of section 21A (1) (c) may not make an election under section 21A after the expiration of 6 months after—

- (a) where her husband died before, or on the day on which, she attained the age of 60 years— the day on which she attained that age; or
- (b) where her husband died after the day on which she attained that age—the day on which he died.

(3) Where—

- (a) a person referred to in subsection (2) became entitled to receive her pension following any period during which she was, by reason of her re-marrying, not entitled to receive her pension;
- (b) that period—
 - (i) commenced before the day on which she attained the age of 60 years and 6 months;
 - (ii) was the only, or the later or latest, period during which she has not, by reason of her re-marrying, been entitled to receive her pension; and
 - (iii) ended after the day on which she attained the age of 60 years; and

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FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO THE COMMUTING OF PENSIONS—*continued.*

- (c) she has not previously commuted any part of her pension,

she may make an election under section 21A during the period of 6 months after the day on which she so became entitled to receive her pension.

(4) Subject to this section, where a person makes an election under section 23BA to take up additional units, he may not make an election under section 21A in respect only of any of the pension payable in respect of those additional units after the expiration of 6 months after—

- (a) where he made the election under section 23BA on or before the day on which he attained the age of 60 years—the day on which he attained that age; or
- (b) where he made the election under section 23BA after the day on which he attained that age—the day on which he made that election.

(5) A person who—

- (a) was in receipt of a pension immediately before the commencement of this section; and
- (b) had attained the age of 59 years and 6 months before that commencement,

may, without the approval of the Board being necessary, make one election under section 21A within 6 months after that commencement, whether or not he has made an election under that section before that commencement.

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Superannuation (Amendment).

SCHEDULE 6—continued.No. 98, 1975**FURTHER AMENDMENTS TO THE PRINCIPAL ACT, RELATING
TO THE COMMUTING OF PENSIONS—continued.****(3) Section 21B (7)—**

After section 21B (6), insert :—

(7) After the commencement of Schedule 6 to the Superannuation (Amendment) Act, 1975, a person—

(a) may make one election under this section within 6 months after that commencement, whether or not he has made an election under this section before that commencement; and

(b) may not make an election under this section after the expiration of 6 months after that commencement.

(4) Section 91 (3), (4)—

After section 91 (2), insert :—

(3) Subsection (2) does not apply to or in respect of an election under section 21A or 21B.

(4) The date or dates determined by the Board under subsection (1) (c) as the date or dates as from which an election made under section 21A or 21B after the commencement of Schedule 6 to the Superannuation (Amendment) Act, 1975, is or are to take effect shall not be later than the expiration of 7 months after the last day on which the election could have been made, but the Board may determine a later date or later dates if it is satisfied that such special circumstances exist as warrant the determination thereof.

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SCHEDULE 7.

Sec. 5 (1). AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CONTINUITY OF CONTRIBUTORY SERVICE.

(1) Section 28B (6)—

After section 28B (5), insert :—

(6) Where, before the commencement of section 9 of the Superannuation (Amendment) Act, 1955, a person—

- (a) ceased to be employed by one employer and subsequently entered the employment of the same or another employer; and
- (b) resumed the payment of his contributions in accordance with paragraph (c) of the proviso to section 11 (2), as in force at any time before that commencement, as if that break in his employment had not occurred,

then, for the purposes of this section—

- (c) that person shall be deemed not to have ceased to be an employee or a contributor by reason of that cessation of his employment; and
- (d) the period of his contributory service shall be deemed to have been reduced by the period (if any) by which that break in his employment exceeded 3 months.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 7—*continued.*

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AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CONTINUITY OF CONTRIBUTORY SERVICE—*continued.*

(2) Section 38A (4)—

After section 38A (3), insert : —

(4) Where, before the commencement of section 9 of the Superannuation (Amendment) Act, 1955, a person—

- (a) ceased to be employed by one employer and subsequently entered the employment of the same or another employer; and
- (b) resumed the payment of his contributions in accordance with paragraph (c) of the proviso to section 11 (2), as in force at any time before that commencement, as if that break in his employment had not occurred,

then, for the purposes of this section—

- (c) that person shall be deemed not to have ceased to be an employee or a contributor by reason of that cessation of his employment; and
- (d) the period of his contributory service shall be deemed to have been reduced by the period (if any) by which that break in his employment exceeded 3 months.

(3) Section 38c (11)—

After “ceased to be”, insert “an employee or”.

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SCHEDULE 8.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
STATE SUPERANNUATION BOARD.

- (1) (a) Section 70 (1)—
After “three”, insert “other”.
- (b) Section 70 (1)—
Omit “president or”, insert instead “a”.
- (2) (a) Section 73—
Omit “the president or”.
- (b) Section 73—
Omit “president or” where secondly and thirdly
occurring.
- (c) Section 73—
Omit “as the case may be”.
- (3) (a) Section 75 (1) (b)—
Omit “Governor” wherever occurring, insert
instead “Minister”.
- (b) Section 75 (1) (b)—
Omit “three”, insert instead “four”.
- (c) Section 75 (1) (e)—
After “appointed”, insert “in his capacity”.
- (d) Section 75 (2)—
Omit “(including the president)”.
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SCHEDULE

Superannuation (Amendment).

SCHEDULE 9.

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AMENDMENT TO THE PRINCIPAL ACT, RELATING TO PAYMENTS WITHOUT PROBATE, ETC. **Sec. 5 (1).**

Section 88A (1) (a)—

Omit “one thousand dollars”, insert instead “\$2,000”.

SCHEDULE 10.

Sec. 5 (1).

AMENDMENT TO THE PRINCIPAL ACT, RELATING TO EMPLOYEES OF AUTHORITIES ADDED TO SCHEDULE III TO THAT ACT.

Section 92A—

After section 92, insert :—

92A. (1) In this section—

“authority” means the employing authority referred to in subsection (2);

“scheme” means the scheme, fund or arrangement referred to in subsection (2).

Terms and conditions relating to certain employees of authorities added to Schedule III.

(2) Where persons who—

(a) are in the service of an employing authority specified in Schedule III; and

SCHEDULE

AMENDMENT TO THE PRINCIPAL ACT, RELATING TO
EMPLOYEES OF AUTHORITIES ADDED TO SCHEDULE III
TO THAT ACT—*continued.*

(b) are participants in a retirement scheme, fund or arrangement to or in respect of which the authority made or makes, or was or is liable to make, payments in respect of those persons, become eligible to be contributors, the Minister may require those persons, before becoming contributors, to comply with such terms and conditions as he may determine.

(3) A person to whom any such terms and conditions relate shall not become a contributor unless he has complied with those terms and conditions.

(4) Terms and conditions referred to in subsection (2) may include terms and conditions in relation to withdrawal from the scheme and the disposition of benefits received or to be received upon withdrawal from the scheme.

(5) A person may, for the purpose of complying with any such terms and conditions, withdraw from the scheme as if he had resigned from the service of the authority.

(6) Where a person, having withdrawn from the scheme in accordance with any such terms and conditions, becomes a contributor, he ceases to be entitled to any rights, benefits or privileges that, but for this section, would have accrued to him under or in connection with the scheme, other than a benefit accruing by virtue of his so withdrawing from the scheme.

Superannuation (Amendment).

SCHEDULE 11.

No. 98, 1975

AMENDMENT TO THE PRINCIPAL ACT, RELATING TO
ELECTIONS. Sec. 5 (1).

Section 91 (1)—

After “Act” where secondly occurring, insert “or any
Act amending this Act”.

SCHEDULE 12.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO
12TH JANUARY, 1977.

(1) Section 2—

After the matter relating to Part VII, insert :—

PART VIII.—PROVISIONS APPLICABLE IN
RESPECT OF THE PERIOD FROM 13TH
JANUARY, 1976, TO 12TH JANUARY, 1977—
ss. 95–103.

(2) Part VIII—

After Part VII, insert :—

PART VIII.

PROVISIONS APPLICABLE IN RESPECT OF THE PERIOD
FROM 13TH JANUARY, 1976, TO 12TH JANUARY,
1977.

95. In this Part. “suspension period” means the
period commencing on and including 13th January,
1976, and ending on and including 12th January,
1977. Interpre-
tation:
Part VIII.

SCHEDULE

No. 98, 1975

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO
12TH JANUARY, 1977—*continued.*This Part
to prevail
over other
provisions.Number
of units
not to be
increased.

96. This Part has effect notwithstanding any other provisions of this or any other Act.

97. (1) The number of units of pension for which a contributor was contributing under this Act immediately before the suspension period shall not be increased during the suspension period, except as provided in this Part.

(2) A person shall, on becoming a contributor during the suspension period, contribute for the number of units of pension for which he would have contributed had this Part not been enacted, but thereafter the number of units for which he was contributing under this Act on the day on which he so became a contributor shall not be increased during the suspension period, except as provided in this Part.

(3) Where—

- (a) a contributor was actually paid a salary increase before the suspension period;
- (b) the increased salary fell within a salary group higher than the salary group within which it fell immediately before that increase; and
- (c) he had, before payment of that increase, abandoned a unit, or units, of pension,

he may make an election under section 12 (4) to take up that abandoned unit, or any of those abandoned units, during the suspension period, being an election that he could have made in relation to that increase had this Part not been enacted.

(4) Nothing in this section affects the right to make an election under section 23BA.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 12—*continued.*

No. 98, 1975

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO
12TH JANUARY, 1977—*continued.*

98. No election to contribute for reserve units of Reserve pension under section 15A (2) may be made during units. the suspension period.

99. (1) Where—

(a) a former contributor or a contributor's widow becomes entitled to a pension during Pensions emerging during suspension period. the suspension period; and

(b) the salary group within which the contributor's salary fell immediately before the entitlement to the pension arose was higher than the salary group within which it fell—

(i) immediately before the commencement of the suspension period; or

(ii) on the date on which he became a contributor,

whichever is the later,

the former contributor or the widow may, within one month after the entitlement to the pension arose, elect to take up one or more of the additional units of pension (other than abandoned units) for which he would have been required or entitled to contribute had this Part not been enacted.

(2) Where the former contributor referred to in subsection (1) could have made but did not make the election which he was entitled to make under subsection (1), and he dies within one month after the entitlement to the pension arose, his widow may, within one month after the date of his death, elect to take up one or more of the additional units of pension (other than abandoned units) which could have been the subject of an election under subsection (1).

SCHEDULE

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO
12TH JANUARY, 1977—*continued.*

(3) Where a former contributor or a contributor's or former contributor's widow makes an election to take up any units under subsection (1) or (2), the contributor shall, for the purposes of this Act, be deemed to have been contributing for those units as from the date as from which he could have contributed for them had this Part not been enacted.

(4) The amount by which a pension is increased by virtue of subsection (3) is not payable unless, before the expiration of one month, or such further period as the Board may in special circumstances allow, after the pension becomes payable—

- (a) the former contributor or the widow, as the case may require, pays to the Board an amount equal to the amount that would have been payable to the Board as employee's contributions in respect of the additional units had this Part not been enacted; or
- (b) arrangements, satisfactory to the Board, have been made for the payment to the Board of the amount referred to in paragraph (a).

(5) Where payment is made, or arrangements are made, under subsection (4) in respect of any additional unit, the former employer of a former contributor referred to in subsection (1) shall pay to the Board an amount equal to the amount that would have been payable to the Board as employer's contributions in respect of the unit had this Part not been enacted.

*Superannuation (Amendment).*SCHEDULE 12—*continued.*

No. 98, 1975

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO
12TH JANUARY, 1977—*continued.*

(6) For the purposes of subsection (4) (b), reserve units of pension may be appropriated in respect of any additional units instead of being dealt with in accordance with section 15A (6) (b), and section 15A applies to and in respect of the additional units as if this Part had not been enacted.

100. (1) Where—

Abandoned
units.

- (a) a contributor retires or dies during the suspension period and at the date of retirement or death—
 - (i) except in a case to which subparagraph (ii) applies—had attained the age of 59 years; or
 - (ii) in the case of a woman contributor who retires, having contributed under this Act to retire at the age of 55 years—had attained the age of 54 years;
- (b) the contributor had, before the suspension period, abandoned one or more units of pension;
- (c) the salary group within which the contributor's salary fell at the date of retirement or death was higher than the salary group within which it fell—
 - (i) immediately before the commencement of the suspension period; or

SCHEDULE

Superannuation (Amendment).

No. 98, 1975

SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO
12TH JANUARY, 1977—*continued.*

(ii) on the date on which he became a contributor,

whichever is the later; and

(d) the contributor would have been entitled to elect to take up the abandoned unit or units after attaining the age of 59 years (or 54 years in a case to which paragraph (a) (ii) applies) had this Part not been enacted,

the former contributor (in the case of the contributor's retirement) or the contributor's widow (in the case of his death) may, within one month after the date of retirement or death, elect to take up one or more of the number of the abandoned units.

(2) Where the contributor referred to in subsection (1) retires during the suspension period and could have made but did not make the election which he was entitled to make under subsection (1), and he dies within one month after the date of his retirement, his widow may, within one month after the date of his death, elect to take up one or more of the number of the abandoned units.

(3) Where a former contributor or a contributor's or former contributor's widow makes an election to take up any abandoned units under subsection (1) or (2), the contributor shall, for the purposes of this Act, be deemed to have been contributing for those units as from the only date, or the later or latest of the dates, as from which he could have contributed for them had this Part not been enacted.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 12—*continued.*

No. 98, 1975

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO 12TH JANUARY, 1977—*continued.*

(4) The amount by which a pension is increased by virtue of subsection (3) is not payable unless, before the expiration of one month, or such further period as the Board may in special circumstances allow, after the pension becomes payable—

- (a) the former contributor or the widow, as the case may require, pays to the Board an amount equal to the amount that would have been payable to the Board as employee's contributions in respect of the units to which the election relates had this Part not been enacted; or
- (b) arrangements, satisfactory to the Board, have been made for the payment to the Board of the amount referred to in paragraph (a).

(5) Where payment is made, or arrangements are made, under subsection (4) in respect of any unit, the former employer of a contributor or former contributor referred to in subsection (1) or (2) shall pay to the Board an amount equal to the amount that would have been payable to the Board as employer's contributions in respect of the unit had this Part not been enacted.

101. Where the salary of a contributor is reduced during the suspension period, sections 13 and 13A shall apply to and in respect of the reduction only if the salary group within which the contributor's salary falls as at the date of the reduction is lower than the salary group within which it fell—

Reduction
of salary.

- (a) immediately before the commencement of the suspension period; or

SCHEDULE

*Superannuation (Amendment).*No. 98, 1975SCHEDULE 12—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTION RATES FROM 13TH JANUARY, 1976, TO
12TH JANUARY, 1977—*continued.*

(b) on the date on which he became a contributor,

whichever is the later.

Elections.

102. Section 91 (1) (b) (ii) does not apply in relation to an election under this Part.

Provisions applicable at the end of the suspension period.

103. Where the rate of salary payable to a contributor immediately after the suspension period is greater than the rate of salary payable to him—

(a) immediately before the commencement of that period; or

(b) on the date on which he became a contributor,

whichever is the later, his salary shall, subject to section 99, be deemed to have been increased accordingly on 13th January, 1977.

Sec. 5 (1).

SCHEDULE 13.

AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF
STATUTE LAW REVISION.

(1) (a) Section 3 (1), definition of "Civil Service Acts"—
Omit "include", insert instead "includes".

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 13—*continued.*

No. 98, 1975

AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 3 (1), definition of "Employee"—

(i) Omit "judge of the Supreme Court or of the Industrial Court, or a District Court judge, or the Master in Equity or the Master in Lunacy", insert instead "Judge of the Supreme Court, or a Member of the Industrial Commission of New South Wales, or a Judge of the District Court, or a master of the Supreme Court".

(ii) Omit "or any Act amending the same".

(c) Section 3 (1), definition of "Regulations"—

After the definition of "Limited benefits", insert :—

"Regulations" means regulations under this Act.

(2) (a) Section 5 (c1)—

Omit "Co-operation, Community Settlement, and Credit Act" wherever occurring, insert instead "Co-operation Act".

(b) Section 5 (c1)—

Omit ", as amended by subsequent Acts" wherever occurring.

(c) Section 5 (d)—

Omit "Trust Funds", insert instead "trust funds".

SCHEDULE

*Superannuation (Amendment).*No. 98, 1975SCHEDULE 13—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE
LAW REVISION—*continued.*

- (3) Section 5A (3)—
Omit “as amended by subsequent Acts.”.
- (4) Section 5B (9), definition of “land”, paragraph (f)—
Omit “Conveyancing (Strata Titles) Act, 1961”,
insert instead “Strata Titles Act, 1973”.
- (5) Section 6—
Omit “Colonial Treasurer”, insert instead
“Treasurer”.
- (6) (a) Section 8 (2)—
Omit “and any Act amending that Act,”.
- (b) Section 8 (2)—
Omit “they apply”, insert instead “it applies”.
- (7) Section 9 (1)—
Omit “Colonial Treasurer”, insert instead
“Treasurer”.
- (8) Section 9c (3) (a)—
Omit “hereinafter” wherever occurring, insert
instead “in this section”.
- (9) Section 20A—
Omit “Colonial Treasurer”, insert instead
“Treasurer”.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 13—*continued.*

No. 98, 1975

AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE
LAW REVISION—*continued.*

- (10) Section 20c (4)—
Omit “becomes”, insert instead “, becomes”.
- (11) Section 47A—
Omit “-1947”.
- (12) Section 61B (1), definition of “year”, paragraph (b)—
After “including” where secondly occurring, insert “the next following”.
- (13) Section 82—
Omit “and any Acts amending that Act,”.
- (14) Section 86 (3)—
Omit the subsection, insert instead :—
(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
- (15) Section 90—
Omit “quinquennial”, insert instead “triennial”.
- (16) (a) Section 92, short heading—
Omit “*shire and municipal councils*”, insert instead “*employing authorities*”.

SCHEDULE

Superannuation (Amendment).

No. 98, 1975

SCHEDULE 13—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 92 (1)—

Omit “and that Schedule, as so amended, shall be Schedule III to this Act”.

(c) Section 92 (3)—

Omit “, and that Schedule, as so amended, shall be Schedule III to this Act”.

Sec. 5 (2).

SCHEDULE 14.

AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1965.

(1) Section 9 (a)—

Omit the paragraph.

(2) Section 9 (b)—

Omit “the same subsection”, insert instead “of subsection one of section thirty-four”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 15.

No. 98, 1975

AMENDMENT TO THE SUPERANNUATION (DECIMAL
CURRENCY) AMENDMENT ACT, 1965.

Sec. 5 (3).

Section 3 (1) (d)—

Omit “at the end of section fifteen”, insert instead “next
before subsection two of section fifteen”.

SCHEDULE 16.

Sec. 5 (4).

AMENDMENT TO THE SUPERANNUATION (AMENDMENT)
ACT, 1972.

Section 6 (q)—

Omit “section 33”, insert instead “section 33 (1)”.

SCHEDULE 17.

Sec. 5 (5).

AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1974.

(1) Section 4—

Omit “16”, insert instead “16A”.

(2) (a) Section 14 (1)—

Omit “section” where firstly occurring, insert
instead “Part”.

SCHEDULE

Superannuation (Amendment).

No. 98, 1975

SCHEDULE 17—*continued.***AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1974—*continued.*****(b) Section 14 (1), definition of “prescribed period”—**

Omit the definition, insert instead :—

“prescribed period” means—

- (a) in relation to a person referred to in paragraph (a) or (b) of the definition of “prescribed person” in this subsection—the period of 6 months that next succeeds the appointed day; or
- (b) in relation to a person referred to in paragraph (c) or (d) of that definition—the period commencing on and including the appointed day and ending on and including such day as may be determined by the Board for the purposes of this paragraph and as may be notified in the Gazette, being a day that is later than 6 months after the date of assent to the Superannuation (Amendment) Act, 1975;

(c) Section 14 (1), definition of “prescribed person”—

- (i) From paragraph (a), omit “or” where secondly occurring.
- (ii) From paragraph (b), omit “such an employee”, insert instead “an employee within the meaning of the Principal Act”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 17—continued.

No. 98, 1975

**AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1974—continued.**

(iii) After paragraph (b), insert :—

(c) an employee within the meaning of the Principal Act to whom section 9A (3) (d) of the Meat Industry Act, 1915, applies and who—

(i) by reason of his failure to elect under section 9A (3) (d) of the Meat Industry Act, 1915, to become a contributor to the State Superannuation Fund; or

(ii) by reason of the refusal of the State Superannuation Board, pursuant to section 11A of the Principal Act, to accept him as a contributor to the Fund following his election under section 9A (3) (d) of the Meat Industry Act, 1915,

is not a contributor to the Fund; or

(d) an employee within the meaning of the Principal Act to whom section 9B (10) of the Meat Industry Act, 1915, applies and who is, by reason of his failure, before (but not on or after) the appointed day, to elect

SCHEDULE

AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1974—*continued.*

under section 9B (8) of the Meat Industry Act, 1915, to become a contributor to the State Superannuation Fund, not a contributor to the Fund;

(3) Section 16A—

After section 16, insert :—

Application
of this Part
to certain
persons
ceasing to
be
employees.

16A. Where a person who was, on the appointed day, a prescribed person, as defined in paragraph (c) or (d) of the definition of "prescribed person" in section 14 (1), has, since that day, ceased to be an employee within the meaning of the Principal Act—

- (a) this Part applies, subject to this section, to and in respect of that person as if he had continued to be a prescribed person;
- (b) the date to be determined under section 15 (1) in relation to that person shall be a date before he so ceased to be an employee but not before the appointed day; and
- (c) that person shall be deemed to have become a contributor pursuant to this Part as on and from the date so determined.