

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 101, 1976.

An Act to amend the Superannuation Act, 1916, with respect to contributions to the State Superannuation Fund, early voluntary retirement, the allocation of reduced value units, the automatic adjustment of children's pensions, and certain other matters. [Assented to, 21st December, 1976.]

BE

Superannuation (Amendment).

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, 1976".

**Commence-
ment.** 2. (1) This section and sections 1, 3, 4 and 6 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–8, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Schedules 1, 2, 3, 4, 5 and 7 shall commence on 13th January, 1977.

(4) Schedules 6 and 9 shall commence on the date of assent to this Act.

(5) Schedule 8 (1), (8), (10), (19), (20) and (21) shall commence on the date of assent to this Act.

(6) Schedule 8 (13) and (14) shall be deemed to have commenced on 27th September, 1974.

(7) Schedule 8 (17) shall commence on 13th January, 1977.

(8) Except as provided in subsections (5), (6) and (7), Schedule 8 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.

Superannuation (Amendment).

3. The Superannuation Act, 1916, is referred to in this Act as the Principal Act. Principal Act.

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

SCHEDULE 1.—GENERAL AMENDMENTS TO THE DEFINITION SECTION OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE CLASSIFICATION AND MEDICAL EXAMINATION OF CONTRIBUTORS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO CONTRIBUTIONS TO THE FUND.

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

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO EARLY VOLUNTARY RETIREMENT.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE AUTOMATIC ADJUSTMENT OF CHILDREN'S PENSIONS.

SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO REDUCED VALUE UNITS.

SCHEDULE 8.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 9.—SAVINGS AND TRANSITIONAL PROVISIONS.

Superannuation (Amendment).

Amendment of Act No. 28, 1916. **5.** The Principal Act is amended in the manner set forth in Schedules 1-8.

Savings and transitional provisions. **6.** Schedule 9 has effect.

Sec. 5.

SCHEDULE 1.

**GENERAL AMENDMENTS TO THE DEFINITION SECTION OF THE
PRINCIPAL ACT.**

(1) Section 3 (1), definition of "Abandoned unit"—

After "subject-matter,—", insert :—

"Abandoned unit", in relation to an employee,
means—

- (a) a unit of pension which he has, in accordance with this Act, elected to abandon;
- (b) a unit of pension in respect of which he is not to contribute, or has ceased contributing, to the Fund, by reason of his electing, in accordance with this Act, to reduce the number of units of pension in respect of which he is to contribute;
- (c) a unit of pension in respect of which he has, in accordance with this Act, elected not to contribute to the Fund; or
- (d) a unit of pension the contributions for which are refunded to him or his widow under section 10AH (3), 12B (6) or 12c (5),

but does not include a unit of pension to which an election under section 10W (2) relates.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

GENERAL AMENDMENTS TO THE DEFINITION SECTION OF
THE PRINCIPAL ACT—*continued.*

- (2) Section 3 (1), definitions of “Maturity age” and
“Prescribed age”—

Before the definition of “Regulations”, insert :—

“Maturity 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 55 years; or
- (b) in the case of any other employee—the age of 60 years.

“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.

Superannuation (Amendment).

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS.

(1) Section 2—

After the matter relating to Part II, insert :—

PART IIA.—CLASSIFICATION AND MEDICAL
EXAMINATION OF CONTRIBUTORS—*ss.* 10A–
10I.

(2) (a) Section 3 (1), definitions of “Contributor for full benefits”, “Contributor for limited benefits”, “Contributor in the provisional category”—

After the definition of “Contributor”, insert :—

“Contributor for full benefits” means a contributor, other than a contributor for limited benefits and a contributor in the provisional category.

“Contributor for limited benefits” means a contributor accepted or treated as a contributor for limited benefits under this Act.

“Contributor in the provisional category” means a contributor accepted or treated as a contributor in the provisional category under this Act.

(b) Section 3 (1), definition of “Limited benefits”—

Omit the definition.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(3) Part IIA—

After Part II, insert :—

PART IIA.

CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS.

10A. There shall be 3 classes of contributors, **Classes
of con-
tributors.**
namely—

- (a) contributors for full benefits;
- (b) contributors for limited benefits; and
- (c) contributors in the provisional category.

10B. (1) Notwithstanding anything in this or any **Medical
examination.**
other Act, but subject to subsection (2) and section
38C (8), every employee shall, either before or as
soon as practicable after the commencement of his
employment, submit himself to medical examination
by the Government Medical Officer.

(2) Subsection (1) does not apply to—

- (a) a person who last became an employee
before 19th April, 1944; or
- (b) a person who last became an employee on
or after 19th April, 1944, but before 13th
January, 1977, unless he was not examined
as required by or under section 11A or 38C
(as in force at any time before the 13th
January, 1977).

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*
 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
 CLASSIFICATION AND MEDICAL EXAMINATION OF
 CONTRIBUTORS—*continued.*

Acceptance
as contri-
butor for
limited
benefits or
contributor
in the pro-
visional
category.

10c. (1) This section applies to—

- (a) an employee who was medically examined under this Part; and
- (b) an employee who was medically examined under section 11A or 38C (as in force at any time before 13th January, 1977), but in respect of whom the Board had not made any decision under section 11A (2) (a), (b) or (c) or 38C (8) (a), (b) or (c) before 13th January, 1977.

(2) Where the report of the Government Medical Officer indicates that an employee to whom this section applies is suffering from any physical or mental defect which is likely to affect his health or longevity or his capacity to continue in his employment, the Board may accept the employee as a contributor for limited benefits or a contributor in the provisional category.

Rights and
obligations
of contribu-
tors for
limited
benefits or
contributors
in the
provisional
category.

10D. (1) Except where otherwise expressly provided or the context otherwise requires—

- (a) a contributor for limited benefits and his widow and children and any pensioner who immediately before his retirement or retrenchment was such a contributor and his widow and children; or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

- (b) a contributor in the provisional category and his widow and children and any pensioner who immediately before his retirement or retrenchment was such a contributor and his widow and children,

shall be entitled to the rights and be subject to the obligations of a contributor for full benefits and his widow and children and a pensioner who immediately before his retirement or retrenchment was a contributor for full benefits and his widow and children, as the case may require.

(2) Without affecting the generality of subsection (1), a contributor in the provisional category who attains the maturity age shall be deemed, for the purposes of this Act (sections 10F and 21AB excepted), always to have been accepted as a contributor for full benefits instead of as a contributor in the provisional category, and to be entitled to the benefits of a contributor for full benefits instead of those of a contributor in the provisional category.

10E. (1) This section applies to a person if he was examined under this Part or section 11A or 38C (as in force at any time before 13th January, 1977) and the Government Medical Officer at any time after making his report forms the opinion that the person examined suppressed information, or gave misleading information, in connection with the examination and that, as a result, his report would have been different if all information, or correct information, in that connection had been given.

Suppressed
or
misleading
information.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(2) The Board may require a person to whom this section applies to undergo a medical examination under section 10B as if he had not been medically examined under this Act.

(3) The Board may—

- (a) make, in relation to a person to whom this section applies (whether or not he has undergone a medical examination in accordance with a requirement under subsection (2)), any one or more of the following determinations, namely—
- (i) that it should have accepted him as a contributor for limited benefits;
 - (ii) that it should have accepted him as a contributor in the provisional category;
 - (iii) that it should have refused to accept him as a contributor for full benefits;
 - (iv) that it should have refused to accept him as a contributor for limited benefits;
 - (v) that it should have refused to accept him as a contributor;
 - (vi) that it should have postponed his acceptance as a contributor or as a contributor for limited benefits;

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

- (b) direct that he shall be treated for the purposes of this Act as if the Board had accepted him, or refused to accept him, or postponed his acceptance, in accordance with any such determination (and he shall be treated accordingly); and
- (c) take such action as will, in the opinion of the Board, result in that person, and his widow and children, as the case may require, being placed, as nearly as possible, in the position under this Act that he, she or they would be placed had in fact the Board accepted him, or refused to accept him, or postponed his acceptance, in accordance with any such determination.

(4) The action which the Board may take under subsection (3) (c) may include any or all of the following :—

- (a) discontinuing or varying the rate of any pension;
- (b) paying the whole or any part of a lump sum;
- (c) refunding all or any contributions made to the Fund;
- (d) recovering, pursuant to section 91A, the whole or part of any pension paid or of any amount paid by reason of a commutation of pension;
- (e) treating a person as having duly elected to become a contributor in the provisional category.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.***

Advance to
a different
status.

10F. (1) A person accepted as a contributor for limited benefits may be accepted by the Board as a contributor for full benefits if—

- (a) the person produces a report from the Government Medical Officer stating that he has caused the person to be medically examined and that the person's health warrants the person's acceptance as a contributor for full benefits; or
- (b) the person has been a contributor for not less than 10 years, makes application to the Board in writing 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) A person accepted as a contributor in the provisional category may be accepted by the Board as a contributor for limited benefits if the person produces a report from the Government Medical Officer stating that he has caused the person to be medically examined and that the person's health warrants the person's acceptance as a contributor for limited benefits.

(3) A person accepted as a contributor in the provisional category may be accepted by the Board as a contributor for full benefits if the person produces a report from the Government Medical Officer stating that he has caused the person to be medically examined and that the person's health warrants the person's acceptance as a contributor for full benefits.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(4) A person who is accepted as a contributor for full benefits under this section shall be deemed always to have been accepted as such a contributor instead of as a contributor for limited benefits or as a contributor in the provisional category, and to be entitled to the benefits of a contributor for full benefits instead of those of a contributor for limited benefits or of a contributor in the provisional category.

(5) Subject to subsection (4), a person who is accepted as a contributor for limited benefits under this section shall be deemed always to have been accepted as such a contributor instead of as a contributor in the provisional category, and to be entitled to the benefits of a contributor for limited benefits instead of those of a contributor in the provisional category.

10G. (1) Where, in the opinion of the Board, a person has refused or wilfully neglected to submit himself for medical examination as required by or under this Act, the Board may treat him as having been accepted as a contributor in the provisional category. ^{Where employee not examined.}

(2) Subject to subsection (1), where a person ceases to be an employee without being medically examined as required, the Board may treat him as having been accepted as a contributor for limited benefits or a contributor in the provisional category if the Board, having regard to such evidence as is available to it, is of the opinion that he would have been accepted as such had he been so examined.

Superannuation (Amendment).

SCHEDULE 2—*continued.*
 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
 CLASSIFICATION AND MEDICAL EXAMINATION OF
 CONTRIBUTORS—*continued.*

Election
by certain
employees
to become
contributors
in
provisional
category.

10H. (1) Notwithstanding section 10N, a person who was an employee but not a contributor (whether for full benefits or for limited benefits) on 12th January, 1977, because the Board refused to accept him as such a contributor or postponed his acceptance as such a contributor, shall not contribute to the Fund.

(2) An employee referred to in subsection (1) may elect to contribute to the Fund.

(3) Subsection (1) ceases to apply to an employee who elects to contribute to the Fund.

(4) An election under subsection (2) is of no effect unless made within a period (being a period that commences not later than 1st July, 1977) of 3 months commencing on a day to be determined by the Board and notified in the Gazette or, if made after the expiration of that period, unless so made with the approval of the Board given in special circumstances.

(5) An employee who makes an election under subsection (2) shall be accepted by the Board as a contributor in the provisional category.

Election
by certain
non-
employees
to become
contributors
in
provisional
category.

10I. (1) A person who—

- (a) would be an employee if he were not subject to the provisions of the New South Wales Retirement Benefits Act, 1972; and

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(b) is, in the opinion of the Board, subject to those provisions because the Board refused to accept him as a contributor (whether for full benefits or for limited benefits) or postponed his acceptance as such a contributor,

may elect to contribute to the Fund.

(2) An election under subsection (1) is of no effect unless made within a period (being a period that commences not later than 1st July, 1977) of 3 months commencing on a day to be determined by the Board and notified in the Gazette or, if made after the expiration of that period, unless so made with the approval of the Board given in special circumstances.

(3) Where a person who makes an election under subsection (1) becomes a contributor, he shall be accepted by the Board as a contributor in the provisional category.

(4) Nothing in this section affects the operation of section 92A in relation to a person who makes an election under subsection (1).

(4) Sections 11A–11D—

Omit sections 11A, 11AA, 11B, 11C, 11D.

(5) Section 20D—

Omit “11A”, insert “10B”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(6) Section 21AB—

After section 21AA, insert :—

Elections
under sec.
21A by con-
tributors
in the
provisional
category.

21AB. A person (not being a person referred to in section 21AA (2)) who is, or was immediately before his retirement, a contributor in the provisional category—

- (a) may not make an election under section 21A unless a period of 10 years has expired since he last became a contributor; and
- (b) where, but for this paragraph, section 21AA (1) would operate to prevent him from making the election at any time within 6 months after the expiration of that period—may make the election at any time within 6 months after the expiration of that period.

(7) Section 27 (1A)—

After “limited benefits” wherever occurring, insert “or a contributor in the provisional category”.

(8) (a) Section 29 (1)—

Omit “contributor who is not a contributor for limited benefits and”, insert instead “contributor for full benefits”.

(b) Section 29 (1A)—

Omit “contributor who is not a contributor for limited benefits and”, insert instead “contributor for full benefits”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(c) Section 29 (1A) (b)—

Omit “section 11A”, insert instead “this Act”.

(d) Section 29 (1G) (b) (i)—

Omit “section 11A”, insert instead “this Act”.

(e) Section 29 (1J) (b) (ii)—

Omit “section 11A”, insert instead “this Act”.

(f) Section 29 (4)—

After “section 11AA”, insert “applied or section 10E”.

(g) Section 29 (4)—

Omit “section 11A or 38C”, insert instead “this Act”.

(h) Section 29 (6)—

After section 29 (5), insert :—

(6) If, in the opinion of the Board, the benefits payable to a contributor under subsection (1), (1A) or (1J) are less than the benefits that would be payable to him under this Act if he were a contributor in the provisional category, the Board may pay him the lastmentioned benefits instead of the benefits under that subsection.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*
 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
 CLASSIFICATION AND MEDICAL EXAMINATION OF
 CONTRIBUTORS—*continued.*

(9) Section 29A—

After section 29, insert :—

Lump sums for certain contributors in the provisional category.

Lump sum payable to or in respect of certain contributors in the provisional category.

29A. (1) If a contributor in the provisional category is retired under section 22 before the maturity age or, in the case of a married male contributor, dies before the maturity age, there shall be payable from the Fund a lump sum equal to the sum of—

- (a) two and one-half times the contributions paid by the contributor in accordance with this Act for any contributory units; and
- (b) one and one-half times the contributions that would have been payable by the contributor in accordance with this Act in respect of each of the reduced value units allocated to him, had each such reduced value unit been held by him as a contributory unit as from the earliest of the times that he is deemed by section 47c (6) to have held the reduced value unit,

without interest, and in determination of all rights given by this Act to the contributor and his family.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(2) The lump sum under subsection (1) is payable to the contributor in the case of his retirement under section 22 or the contributor's widow in the case of his death before the maturity age.

(3) Where an employee who has been retired under section 22, and who has received a lump sum payment under this section, thereafter enters the service of an employer, he shall not be entitled to claim any further benefit in respect of his previous service unless he complies with section 38c.

(4) Where a lump sum is payable to a former contributor or his widow under this section, the employer in whose service the contributor was at his exit day shall pay to the Fund on requisition by the Board—

- (a) to the extent to which the lump sum consists of an amount calculated in accordance with subsection (1) (a)—a lump sum equal to seven-eighths of the amount of the contributions paid by the contributor in accordance with this Act; and
- (b) to the extent to which the firstmentioned lump sum consists of an amount calculated in accordance with subsection (1) (b)—a lump sum equal to that amount.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(10) Section 30 (1)—

After “limited benefits”, insert “or a contributor in the provisional category”.

(11) Section 33 (3)—

After section 33 (2), insert :—

(3) Subsection (1) does not apply to or in respect of a contributor in the provisional category who dies before the maturity age.

(12) (a) Section 38c (3) (a)—

After “section”, insert “29A,”.

(13) (a) Section 38c (8)—

Omit the subsection, insert instead :—

(8) Section 10B does not apply to a person who makes an election under this section, unless the Board directs that that section shall apply to him.

(b) Section 38c (9), (10)—

Omit the subsections.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
CLASSIFICATION AND MEDICAL EXAMINATION OF
CONTRIBUTORS—*continued.*

(c) Section 38c (11)—

After “this Act,” insert “but subject to subsection (8),”.

(d) Section 38c (11)—

Omit “and, for the purposes of subsection (1) of section 11A, his resumption of employment shall be deemed not to be a commencement of employment”.

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND.

(1) Section 2—

Omit the matter relating to Part III, insert instead :—

PART III.—CONTRIBUTIONS—*ss.* 10J–20A.

DIVISION 1.—*Preliminary—ss.* 10J–10M.

DIVISION 2.—*Liability of employees to contribute—ss.* 10N–10V.

DIVISION 3.—*Decreases in salary—s.* 10W.

SCHEDULE

Superannuation (Amendment).

 SCHEDULE 3—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
 CONTRIBUTIONS TO THE FUND—*continued.*

DIVISION 4.—*Abandoned units—ss. 10X–10AA.*

DIVISION 5.—*Contributions by employees for units of pension at table rates—ss. 10AB–10AF.*

DIVISION 6.—*Contributions by employees for units of pension otherwise than at table rates—ss. 10AG–10AI.*

DIVISION 7.—*Contributions by employers—ss. 10AJ–10AM.*

DIVISION 8.—*Ancillary provisions—ss. 11–20A.*

- (2) (a) Section 3 (1), definitions of “Annual adjustment day”, “Annual review day”—

Before the definition of “Appointed day”, insert :—

“Annual adjustment day”, in relation to a contributor, means the day determined to be his annual adjustment day under section 10L.

“Annual review day”, in relation to a contributor, means the day determined to be his annual review day under section 10L.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

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

Omit the definition, insert instead :—

"Contributor" means an employee, but does not include—

- (a) an employee while exempted from contributing to the Fund (whether before, on or after 13th January, 1977);
- (b) an employee while rejected or not accepted as a contributor under this Act as in force at any time before 13th January, 1977; or
- (c) an employee to whom section 10H (1) applies.

(c) Section 3 (1), definitions of "Entry payment day", "Entry review day", "Exit day"—

After the definition of "Employer", insert :—

"Entry payment day", in relation to an employee, means the day determined to be his entry payment day under section 10k.

"Entry review day", in relation to an employee, means the day determined to be his entry review day under section 10k.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

“Exit day”, in relation to an employee, means the last day on which he is, in the opinion of the Board, an employee, whether he is an employee for the whole or part only of that day.

(d) Section 3 (3) (c)—

Omit the paragraph.

(e) Section 3 (5)—

Omit the subsection.

(f) Section 3 (7) (b) (ii)—

After “section”, insert “10AH”.

(g) Section 3 (9)—

After section 3 (8), insert :—

(9) A person who, but for this subsection, would not be an employee until salary is actually paid to him shall, for the purposes of this Act, be deemed to become an employee as from the day when salary is or was payable to him or such later day as the Board may fix in respect of him.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(3) Part III, Divisions 1-7—

After the heading "Part III.—CONTRIBUTIONS."
appearing before section 11, insert :—

DIVISION 1.—*Preliminary.*

10J. In this Part, except in so far as the context
or subject-matter otherwise indicates or requires—

Interpre-
tation:
Part III.

"half-year" means a period of 6 months—

- (a) commencing on and including 1st January
and ending on and including 30th June;
or
- (b) commencing on and including 1st July
and ending on and including 31st
December;

"relevant period", in relation to an employee,
means the half-year in which his birthday
does not fall.

10K. (1) The Board shall, in respect of a person
who becomes a contributor on or after 13th January,
1977, determine—

Determina-
tion of
entry review
day and
entry pay-
ment day.

- (a) a day to be his entry review day; and
- (b) a day to be his entry payment day.

(2) An employee's entry payment day may
be the same as, or later than, but not earlier than, his
entry review day.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(3) An employee's entry review day and entry payment day shall be within the period of 12 months after the day on which he becomes a contributor.

Determina-
tion of
annual
review day
and annual
adjustment
day.

10L. (1) The Board shall, in respect of a contributor, determine—

- (a) a day in each relevant period to be his annual review day; and
- (b) a day in each relevant period to be his annual adjustment day,

but no such day shall be in a relevant period in which his entry review day or his entry payment day falls.

(2) A contributor's annual adjustment day for a relevant period may be the same as, or later than, but not earlier than, his annual review day for that period.

(3) A contributor may not have more than one annual review day, nor more than one annual adjustment day, in a relevant period.

General
provisions
as to de-
terminations
under this
Division.

10M. (1) The Board may amend or revoke a determination under this Division.

(2) A determination may be made under this Division so as to apply to a specified employee or a specified class of employees.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

DIVISION 2.—*Liability of employees to contribute.*

10N. Subject to this or any other Act, every employee shall contribute to the Fund in accordance with this Act. Requirement to contribute.

10o. (1) An employee who was contributing to the Fund on 12th January, 1977, shall, subject to section 10w, contribute, and continue to do so, to the Fund for the number of units of pension for which, and at the rate for each such unit at which, he was required by or under this or any other Act to contribute on that date or at such other rates as may from time to time be fixed by or under this Act. Existing contributors and employees.

(2) An employee who was not contributing to the Fund on 12th January, 1977, but who was required by section 11 to contribute to the Fund on that day, shall, subject to section 10w, contribute to the Fund as from the day on which, and for the number of units of pension for which, and at the rate for each such unit at which, he would have commenced contributing had the Superannuation (Amendment) Act, 1976, not been enacted, and shall thereafter continue to contribute to the Fund for the number of units of pension for which he so commenced contributing at the rate for each such unit as he so commenced contributing or at such other rates as may from time to time be fixed by or under this Act.

10P. (1) A person who becomes a contributor on or after 13th January, 1977, shall commence to contribute to the Fund as on and from his entry payment day. Commencement of contributions.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—continued.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—continued.**

(2) The contributions of an employee referred to in subsection (1) shall be made in accordance with this Act by reference to the rate of salary actually being paid to him on his entry review day.

(3) Where an employee attains or has attained the age of 30 years on or before his entry payment day, he may, within 2 months after his entry review day, elect to abandon any unit or units of pension in respect of which he would, but for his election, be required to contribute, but so that the number of units of pension in respect of which he contributes is not reduced to less than 6.

(4) Subsection (1) does not apply to an employee referred to in section 10o (2).

Increase
of con-
tributions:
annual
review
days.

10q. (1) Subject to this or any other Act, where the number of units of pension that, pursuant to section 12 (1), is appropriate for the salary actually being paid to a contributor (including a contributor referred to in section 10o) on his annual review day in any half-year is higher than the aggregate of—

- (a) the number of units of pension (if any) for which he is contributing at that time;
- (b) the number of units of pension (if any) for which he has completed contributing; and
- (c) the number of his abandoned units (if any),

he shall, as on and from his annual adjustment day in that half-year, contribute to the Fund in respect of the additional number of units of pension in accordance with this Act.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(2) Where a contributor attains or has attained the age of 30 years on or before his annual adjustment day in any half-year, he may, within 2 months after his annual review day, elect to abandon any one or more of the additional units of pension in respect of which, but for his election, he would be required by this section to commence contributing to the Fund.

(3) Where a married contributor entitled to make an election under subsection (2) dies without making such an election before the expiration of the period within which, but for his death, he could have made the election, his widow may, before the expiration of that period, make the election.

10R. (1) Subject to this or any other Act, where the number of units of pension that, pursuant to section 12 (1), is appropriate for the salary actually being paid to a contributor on his exit day is higher than the aggregate of—

- (a) the number of units of pension (if any) for which he is contributing at that time;
- (b) the number of units of pension (if any) for which he has completed contributing; and
- (c) the number of his abandoned units (if any),

the former contributor or the former contributor's widow shall, within one month after his exit day, or within such further period as the Board may, in special circumstances, allow, contribute to the Fund in respect of the additional number of units of pension in accordance with this Act.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(2) Where a contributor attains or has attained the age of 30 years on or before his exit day, he may, within one month after that day, elect to abandon any one or more of the additional units of pension in respect of which, but for his election, he would be required by this section to make a contribution to the Fund.

(3) Where a married person entitled to make an election under subsection (2) dies without making such an election before the expiration of the period within which, but for his death, he could have made the election, his widow may, before the expiration of that period, make the election.

(4) This section does not apply to or in respect of a former contributor unless—

- (a) the former contributor or the former contributor's widow is entitled to a pension under this Act consequent on the former contributor's ceasing to be an employee;
- (b) the former contributor elects to take the benefit of section 37; or
- (c) the former contributor was at his exit day a contributor in the provisional category and the former contributor or the former contributor's widow is entitled to payment of a lump sum under section 29A.

No contribu-
tions for
more than
appropriate
number of
units.

10s. Except in the circumstances specified in Division 3 and except in consequence of an approval under section 13A (as in force at any time before 13th January, 1977), an employee shall not contribute in

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

respect of a number of units of pension that is greater than the number that, pursuant to section 12 (1), is appropriate for his salary.

10T. (1) The Board may, on application made in accordance with section 10U, exempt from contributing to the Fund—

Exemptions
from con-
tributing.

(a) any employee who satisfies the Board that he has made adequate provision for himself and his family; or

(b) any person of or above the age of 40 years who becomes an employee.

(2) Where the wife of a contributor is also an employee, the Board may, on application made by her in accordance with section 10U, exempt her from contributing to the Fund.

(3) The Board may, on application made in accordance with section 10U, exempt from contributing to the Fund a woman employee who is eligible for a pension under section 30 or 31.

(4) Where a person who is also an employee is entitled by the terms of his engagement but not as an employee within the meaning of this Act to a special pension on retirement from his employment, then if the value as actuarially determined of the special pension equals or exceeds the value as so determined of the pension under this Act for which he would, but for this subsection, be entitled to contribute, he is exempted from contributing to the

Superannuation (Amendment).

 SCHEDULE 3—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
 CONTRIBUTIONS TO THE FUND—*continued.*

Fund; but if the value as so determined of the special pension is less than the value as so determined of the pension under this Act, he shall only be entitled to come under this Act for the purpose of the difference.

(5) The Board may exempt from contributing to the Fund any person whose application for exemption from contributing to the Fund—

- (a) had been made but not dealt with by the Board before 13th January, 1977; and
- (b) could, in the opinion of the Board, have been granted by the Board if the Superannuation (Amendment) Act, 1976, had not been enacted.

(6) A person exempted from contributing to the Fund at 12th January, 1977, continues to be so exempted after that date.

**Applications
 for
 exemption.**

10U. (1) An application for exemption from contributing to the Fund shall be made in writing to the Board.

(2) An application under section 10T (1) made by a person referred to in section 10T (1) (b) shall be made not later than 2 months after the date on which he becomes an employee.

(3) An application under section 10T (2) or (3) shall be made within 2 months after the applicant's eligibility to be exempted arises.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

10v. (1) Where a person is exempted under this Act from contributing to the Fund, neither he nor any other person claiming through him is entitled to any benefit under this Act, but the contributions (if any) paid by the person so exempted shall be refunded. Consequences of exemption.

(2) Subsection (1) does not affect the entitlement of any person to any benefit under this Act if the entitlement accrues to or in relation to a person who is or has been a contributor and who is not so exempted.

DIVISION 3.—*Decreases in salary.*

10w. (1) Where the salary of a contributor is reduced, he shall continue to contribute for any units of pension that are in excess of the number of units that is, pursuant to section 12 (1), appropriate to his salary as reduced. Decrease in salary.

(2) Where the salary of a contributor is reduced (whether before, on or after 13th January, 1977) and the salary as reduced is actually paid as from a date after 12th January, 1977, he may, within 2 months after the date on which the reduced salary is actually paid to him, elect not to contribute for one or more units of pension, not exceeding the difference between—

- (a) the number of units that is, pursuant to section 12 (1), appropriate to his salary as reduced; and

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (b) the number of units that is, pursuant to section 12 (1), appropriate to his salary as at the latest of whichever of the following days is applicable to him, namely—
- (i) his entry review day;
 - (ii) his last annual review day;
 - (iii) 12th January, 1976;
 - (iv) the day on which he became a contributor, if that day fell between 13th January, 1976, and 12th January, 1977 (both inclusive);
 - (v) the day as from which the number of units of pension for which he was contributing was reduced under section 13, if that day fell after 12th January, 1976,

but so that the number of units in respect of which he contributes is not reduced to less than 6.

(3) Where a contributor elects not to contribute for a unit of pension under subsection (2), his contributions to the Fund in respect of the unit shall cease on and from the first day of the contribution period in which the salary as reduced is actually paid and shall be refunded to him.

(4) No person has any rights in the Fund in respect of a unit of pension to which an election under subsection (2) relates.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(5) No person has any rights in the Fund in respect of an excess unit of pension referred to in subsection (1) and not the subject of an election under subsection (2), unless the Board is satisfied that the contributor's salary was reduced by reason of his ill health or for some other reason which the Board, having regard to the circumstances of the case, considers warrants the payment of benefits under this Act in respect of the unit.

(6) Where no person has any rights in the Fund in respect of a unit of pension, as referred to in subsection (5), and the contributor ceases to be an employee, any contributions made by him in respect of the unit shall be refunded to him.

(7) Where a contributor elects not to contribute for a unit of pension under subsection (2), and subsequently his salary is increased, this Act applies in relation to the increase as if he had not been formerly entitled to the unit.

(8) A unit of pension in respect of which a contributor is contributing to the Fund ceases to be an excess unit of pension, as referred to in subsection (1), if his salary is increased and that unit is one of the number of units that, pursuant to section 12 (1), is appropriate to his salary as increased.

DIVISION 4.—*Abandoned units.*

10x. (1) Notwithstanding anything in this Part, contributions are not payable to the Fund in respect of an abandoned unit.

No contributions or rights in respect of abandoned units.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*
 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
 CONTRIBUTIONS TO THE FUND—*continued.*

(2) No person has any rights in the Fund in respect of an abandoned unit, but nothing in this subsection affects the refund of contributions made in respect of any such unit or the operation of Division 2A of Part IV in relation to any such unit.

Elections
to take up
abandoned
units at
annual
review
day.

10Y. Where an employee has an abandoned unit at his annual review day in any half-year—

(a) he may, within 2 months after that day, elect to take up that unit; and

(b) if he so elects—

(i) he shall commence to contribute for the unit as from his annual adjustment day in that half-year; and

(ii) the unit ceases to be an abandoned unit as from that annual adjustment day.

Elections
to take up
abandoned
units at
exit day.

10Z. (1) Where an employee has an abandoned unit at his exit day, he may, before the expiration of one month after that day, elect to take up that unit.

(2) Where a married employee entitled to make an election under subsection (1) dies without making such an election before the expiration of the period within which, but for his death, he could have made the election, his widow may, before the expiration of that period, make the election.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(3) Where an election has been made under this section to take up an abandoned unit—

- (a) the contribution payable in respect of the unit shall be paid to the Board within one month after the employee's exit day or within such further period as the Board may, in special circumstances, allow; and
- (b) the unit ceases to be an abandoned unit, provided the contribution is paid.

(4) This section does not apply to or in respect of an abandoned unit unless—

- (a) pension is payable in respect of the unit;
- (b) the former contributor elects to take the benefit of section 37; or
- (c) the former contributor was at his exit day a contributor in the provisional category and the former contributor or the former contributor's widow is entitled to payment of a lump sum under section 29A.

10AA. (1) An abandoned unit may only be taken up under this Division by a person if the aggregate of— **Restrictions as to abandoned units.**

- (a) the number of units of pension (if any) for which he is contributing;
- (b) the number of units of pension (if any) for which he has completed contributing;
and

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (c) the number of his abandoned units (including the firstmentioned abandoned unit),

is equal to or less than the number of units that, pursuant to section 12 (1), is appropriate for the rate of salary actually being paid to him at his annual review day or his exit day, as the case may require.

(2) Pension is not payable in respect of a unit of pension which a person has elected to take up under this Division unless—

- (a) contributions in respect of the unit were due, and have been paid, for at least 2 years and 6 months following the date from which he commenced contributing for the unit; or
- (b) that person's exit day is on or after the last day of the contribution period preceding that in which he attains the maturity age.

(3) Where a contributor's contributions in respect of a unit of pension cease on the first day of the contribution period in which he ceases to be an employee or attains the maturity age, he shall, for the purposes of subsection (2) (a), be deemed to have paid contributions in respect of the unit for so much of that period as precedes his so ceasing to be an employee or his attaining that age, as the case may be.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(4) Where—

- (a) a contributor's first annual review day falls before 31st December, 1977;
- (b) he elects to take up abandoned units within 2 months after that day; and
- (c) he would, had Part VIII not been enacted, have been entitled to elect to take up those abandoned units during the suspension period (as defined in section 95),

he shall, for the purposes of subsection (2) (a), be deemed to have commenced contributing for those units as from 13th January, 1976, or the day on which he became a contributor, whichever is the later.

DIVISION 5.—*Contributions by employees for units of pension at table rates.*

- 10AB. Except where otherwise provided by this Act—
- (a) the amount of contribution to be paid by a contributor shall be based upon the number of units of pension for which the contributor contributes, upon the sex of the contributor, and, in the case of a woman contributor, upon whether she contributes for a pension
- Contributions according to scale graduated by age, etc.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

payable at the age of 55 years or 60 years, and shall be in accordance with the tables of contributions fixed by or under this Act; and

- (b) the amount of contribution to be paid by the contributor in respect of—
- (i) a unit for which the contributor commences to contribute as from his entry payment day shall be based upon the age of the contributor at his entry payment day;
 - (ii) a unit for which the contributor commences to contribute as from his annual adjustment day in any half-year shall be based upon the age of the contributor at his annual adjustment day in that half-year; or
 - (iii) a unit for which the contributor contributes as from his exit day shall be based upon the age of the contributor at his exit day.

Units taken
up after
prescribed
age.

10AC. Subject to section 10AF, an employee may not commence contributing for a unit of pension under this Division if he attains or has attained the prescribed age at his entry payment day or annual adjustment day, as the case may require.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

10AD. (1) Until other tables of contributions are fixed under this section, the tables of contributions, payable under this Division, for men and women according to the ages set out in Schedule VII shall be in force and apply in respect of additional units of pension for which employees who were contributors at 30th June, 1963, commence to contribute on or after 13th January, 1977. Tables of
contribu-
tions.

(2) Until other tables of contributions are fixed under this section, the tables of contributions, payable under this Division, for men and women according to the ages set out in Schedule IX shall be in force and apply to employees who became or become contributors on or after 1st July, 1963, and shall be paid in respect of all units of pension contributed for by those employees.

(3) Section 3 of the Superannuation (Amendment) Act, 1951, does not apply to contributions paid in accordance with subsection (2).

(4) Subject to section 17D, the Governor may, by order in writing, fix other tables of contributions to be paid by contributors.

(5) The tables of contributions that may be so fixed may—

- (a) be in substitution for any tables fixed by or under this Act in respect of the contributions payable by employees;

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (b) be made so as to apply generally to all units of pension or to units of pension in respect of which contributions commenced before, on or after a specified date (whether those contributions are paid by employees who were contributors before or who become contributors on or after that date); and
- (c) apply differently in respect of different classes of employees.

Cessation of
contributions.

10AE. Subject to this Act, contributions payable to the Fund by a contributor under this Division in respect of any units of pension, other than those for which he contributes by instalments under section 10AH, 12B or 12C, and those referred to in section 10AF, shall cease to be paid on the first day of the contribution period in which he ceases to be an employee or attains the maturity age, whichever first occurs.

Units
taken up
at exit
day.

10AF. (1) The contribution of a former contributor referred to in section 10R (1) in respect of an additional unit of pension shall, if his exit day is before the contribution period in which he would attain the maturity age, and whether or not he has attained the prescribed age, be the contribution payable for one contribution period in accordance with the appropriate table of contributions.

(2) Where—

- (a) an election by a former employee or a former employee's widow under section 10Z to take up an abandoned unit takes effect; and

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (b) the former employee's exit day is before the contribution period in which he would attain the maturity age,

the contribution payable in respect of the unit shall, whether or not he has attained the prescribed age, be the contribution for one contribution period in accordance with the appropriate table of contributions.

DIVISION 6.—*Contributions by employees for units of pension otherwise than at table rates.*

10AG. (1) For the purposes of this Division, and notwithstanding anything contained in this or any other Act, the cost of a unit of pension is, in relation to an employee—

- (a) who was a contributor at 30th June, 1963, and has continued to be a contributor since that date, and—
- (i) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 55 years—\$450.90;
 - (ii) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 60 years—\$395.54; or
 - (iii) who is a male contributor—\$396.90; or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (b) who commenced or commences to contribute after 30th June, 1963, and—
- (i) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 55 years—\$534.40;
 - (ii) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 60 years—\$468.80; or
 - (iii) who is a male contributor—\$499.68 in respect of each of the first 2 units, and \$493.28 in respect of each subsequent unit.

(2) Notwithstanding subsection (1), where an employee who, being a woman, elected to contribute at the rate prescribed for retirement at the age of 55 years has attained the age of 60 years on or before her entry payment day, annual adjustment day or exit day, the cost of a unit of pension for which she commences to contribute on or after that day shall, for the purposes of this Division, be the cost applicable had she elected to contribute at the rate prescribed for retirement at the age of 60 years.

(3) Subject to section 17D, the Governor may, by order in writing, fix other amounts to be the cost of units of pension for the purposes of this Division.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(4) The amount or amounts that may be so fixed may—

- (a) be in substitution for any amount or amounts set out in subsection (1) or provided for in subsection (2);
- (b) be made so as to apply generally to all units of pension or to units of pension in respect of which contributions commenced before, on or after a specified date (whether those contributions are paid by or in respect of employees who were contributors before or who become contributors on or after that date); and
- (c) apply differently in respect of different classes of employees.

10AH. (1) Subject to sections 10AF and 10AI, where an employee who has reached the prescribed age on or before his entry payment day or annual adjustment day, as the case may require, is required or elects to commence contributing for a unit of pension, he shall, subject to this section, contribute the cost of the unit by 65 four-weekly instalments, each such instalment being equal to 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 cost.

Employees who have reached the prescribed age.

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(2) Where an employee referred to in subsection (1) ceases to be employed by the employer prior to completion of payment of instalments pursuant to subsection (1), the following provisions apply :—

- (a) where the employee retires after reaching the maturity 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, or is retrenched before reaching the maturity age, the total amount of contributions unpaid as at the last day of the contribution period preceding that in which the employee ceases to be 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, the widow, if a pension is payable to her in accordance with section 30 or the employee was a contributor in the provisional category, shall within 3 months after the death of the employee, or within

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

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.

(3) Where the total amount of contributions required to be paid by subsection (2) (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 (1).

(4) Where a refund is payable under subsection (3), no person has any rights in the Fund in respect of the unit or units of pension to which the refund relates, but nothing in this subsection affects the operation of Division 2A of Part IV in relation to any such unit.

(5) A reference in subsection (2) to the total amount of contributions unpaid as at a particular date is—

(a) in relation to an employee who ceases to be employed by the employer before attaining the maturity age—a reference to the total amount of contributions that would have been payable up to and including that date had the tables of contributions fixed by or under this Act been applicable to him in respect of the unit of pension; or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (b) in relation to an employee who ceases to be employed by the employer on or after attaining the maturity age—a reference to the cost of the unit,

less the amount of instalments paid pursuant to subsection (1).

Units
taken up
at exit
day.

10AI. (1) The contribution of a contributor referred to in section 10R (1) in respect of an additional unit of pension shall, if his exit day is on or after the first day of the contribution period in which he would attain or has attained the maturity age, be the cost of the unit.

(2) Where—

- (a) an election by a former employee or a former employee's widow under section 10Z to take up an abandoned unit takes effect; and
- (b) the former employee's exit day is on or after the first day of the contribution period in which he would attain or has attained the maturity age,

the contribution payable in respect of the unit shall be the cost of the unit.

DIVISION 7.—*Contributions by employers.*

Contribu-
tions to be
made by
employers
in
accordance
with scale
graduated by
age, etc.

10AJ. (1) Except where otherwise provided by this Act—

- (a) each employer shall contribute to the Fund regular payments in respect of each contributor employed by him;

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (b) the amount of contribution to be paid by an employer shall be based upon the number of units of pension for which each such contributor contributes, upon the sex of the contributor, and, in the case of a woman contributor, upon whether she contributes for a pension payable at the age of 55 years or 60 years, and shall be in accordance with the tables of contributions fixed by or under this Act; and
- (c) the amount of contribution to be paid by the employer in respect of—
 - (i) a unit for which the contributor commences to contribute as from his entry payment day shall be based upon the age of the contributor at his entry payment day;
 - (ii) a unit for which the contributor commences to contribute as from his annual adjustment day in any half-year shall be based upon the age of the contributor at his annual adjustment day in that half-year; or
 - (iii) a unit for which the contributor contributes as from his exit day shall be based upon the age of the contributor at his exit day.

(2) An employer shall, in relation to an employee who was contributing to the Fund on 12th January, 1977, contribute to the Fund,

SCHEDULE

Superannuation (Amendment).

 SCHEDULE 3—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
 CONTRIBUTIONS TO THE FUND—*continued.*

and continue to do so, in respect of the units of pension for which the contributor was required by or under this or any other Act to contribute on that date, at the rate for each such unit at which the employer was required by or under this or any other Act to contribute on that date or at such other rates as may from time to time be fixed by or under this Act.

(3) An employer shall, in relation to an employee who was not contributing to the Fund on 12th January, 1977, but who was required by section 11 to contribute to the Fund on that day, contribute to the Fund, in respect of the units of pension for which the employee commences contributing, at the rate for each such unit at which the employer would have commenced contributing had the Superannuation (Amendment) Act, 1976, not been enacted, and shall thereafter continue to contribute to the Fund, in respect of each such unit, at that rate or at such other rates as may from time to time be fixed by or under this Act.

(4) Nothing in subsection (2) or (3) requires an employer to continue to contribute to the Fund in respect of a unit of pension for which the contributor concerned ceases to contribute in accordance with section 10w.

10AK. (1) Except as provided by section 10AM, and until other tables of contributions are fixed under this section, the tables of contributions in respect of men and women according to the ages set out in Schedule VIII shall be in force and apply to employers in respect of additional units of pension for which

Tables of
 contribu-
 tions.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

employees who were contributors at 30th June, 1963, commence to contribute on or after 13th January, 1977.

(2) Except as provided by section 10AM, and until other tables of contributions are fixed under this section, the tables of contributions in respect of men and women according to the ages set out in Schedule X shall be in force and shall apply to employers in respect of all units of pension for which employees who became or become contributors on or after 1st July, 1963, commence to contribute on or after 13th January, 1977.

(3) Subject to section 17D, the Governor may, by order in writing, fix other tables of contributions to be paid by employers.

(4) The tables of contributions that may be so fixed may—

- (a) be in substitution for any tables fixed by or under this Act;
- (b) be made so as to apply generally to all units of pension or to units of pension in respect of which contributions commenced before, on or after a specified date (whether those contributions are paid in respect of employees who were contributors before or who become contributors on or after that date); and
- (c) apply differently in respect of different classes of employees.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO CONTRIBUTIONS TO THE FUND—*continued.*

Commence-
ment and
cessation of
contribu-
tions.

10AL. Contributions to be paid under the foregoing provisions of this Division to the Fund by an employer in respect of an employee, other than contributions referred to in section 10AM, shall commence when the employee's contributions commence, and shall cease to be paid on the first day of the contribution period in which he ceases to be an employee or attains the maturity age, whichever first occurs.

Units
taken up
at exit
day or
after
maturity
age.

10AM. (1) Where the contribution in respect of a unit of pension is determined under section 10AF, the contribution of the employer in respect of the unit shall be the contribution payable for one contribution period in accordance with the appropriate table of contributions.

(2) Notwithstanding anything in this Division, where the contribution in respect of a unit of pension is determined under section 10AI, the contribution of the employer in respect of the unit shall be the cost of the unit.

(3) Notwithstanding anything in this Division, where a contributor contributes for a unit of pension as on and from his annual adjustment day in a half-year under section 10Q, and that annual adjustment day is on or after the first day of the contribution period in which he would attain or has attained the maturity age, the contribution of the employer shall be the cost of the unit.

(4) For the purposes of this section, and notwithstanding anything in this or any other Act, the cost of a unit of pension is, in relation to an employee—

- (a) who was a contributor at 30th June, 1963, and has continued to be a contributor since that date, and—

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (i) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 55 years—\$417.50;
 - (ii) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 60 years—\$366.26; or
 - (iii) who is a male contributor—\$367.50; or
- (b) who commenced or commences to contribute after 30th June, 1963, and—
- (i) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 55 years—\$334.00;
 - (ii) who, being a woman contributor, elected to contribute at the rate prescribed for retirement at the age of 60 years—\$293.00; or
 - (iii) who is a male contributor—\$312.30 in respect of each of the first 2 units, and \$308.30 in respect of each subsequent unit.
- (5) Notwithstanding subsection (4), where an employee who, being a woman, elected to contribute at the rate prescribed for retirement at the age of 55 years has attained the age of 60 years on or before her exit day, the cost of a unit of pension for which she commences to contribute on or after that day shall, for the purposes of this section, be the cost applicable had she elected to contribute at the rate prescribed for retirement at the age of 60 years.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(6) Subject to section 17D, the Governor may, by order in writing, fix other amounts to be the cost of units of pension for the purposes of this section.

(7) The amount or amounts that may be so fixed may—

- (a) be in substitution for any amount or amounts set out in subsection (4) or provided for in subsection (5);
- (b) be made so as to apply generally to all units of pension or to units of pension in respect of which contributions commenced before, on or after a specified date (whether those contributions are paid by or in respect of employees who were contributors before or who become contributors on or after that date); and
- (c) apply differently in respect of different classes of employees.

(4) Section 11, short heading—

Omit the heading "*Contributions by employees.*" before section 11, insert instead :—

DIVISION 8.—*Ancillary provisions*

(5) Section 11 (1)–(2)—

Omit the subsections.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(6) (a) Section 12 (1)—

Omit “section 11”, insert instead “this Part”.

(b) Section 12—

Omit section 12 (2)–(12), and the short heading
to section 12.

(7) Section 12A—

Omit the section.

(8) (a) Section 12B (1)—

Omit the subsection.

(b) Section 12B (5) (a)—

Omit “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”, insert instead “maturity age”.

(c) Section 12B (5) (b)—

After “28A”, insert “, or is retrenched before
reaching the maturity age”.

(d) Section 12B (7)—

Omit the subsection.

(9) (a) Section 12c (1)—

Omit the subsection.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(D) Section 12c (2)—

After “1975”, insert “, but before 13th January, 1977”.

(c) Section 12c (4) (a)—

Omit “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”, insert instead “maturity age”.

(d) Section 12c (4) (b)—

After “28A”, insert “, or is retrenched before reaching the maturity age”.

(e) Section 12c (7)—

Omit the subsection.

(10) Section 12CA—

After section 12c, insert :—

Continua-
tion of
certain
contribu-
tions.

12CA. (1) Where a contributor, when he completes payment of the 65 instalments under section 10AH, 12B or 12C in respect of a unit of pension, is contributing for one or more other units in accordance with any of those sections, contributions shall continue to be made at the rate at which he was contributing for the first-mentioned unit.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(2) Any continued contributions made by a contributor by virtue of subsection (1) shall be credited, in such manner as the Board thinks fit, to the other unit or units referred to in subsection (1).

(3) Subsection (1) ceases to apply to a contributor if the Board so approves on application made by the contributor before his exit day.

(4) Without affecting the operation of this section, a contributor to whom this section applies shall be deemed, for the purposes of this Act, to have ceased contributing for the firstmentioned unit of pension referred to in subsection (1).

(11) Sections 13–15—

Omit sections 13, 13A, 14 and the short heading thereto, section 15.

(12) (a) Section 15A, heading—

Omit the heading.

(b) Section 15A (5) (b)—

Omit “, subject to the provisions of section 15,”.

(c) Section 15A (8) (a)—

Omit “in accordance with the provisions of section 16 or otherwise”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(13) Section 16—

Omit the section and the short heading thereto.

(14) Section 17D—

After section 17C, insert :—

Orders
fixing
different
tables, etc.

17D. (1) An order under section 10AD, 10AG, 10AK or 10AM does not have effect unless approved by both Houses of Parliament.

(2) After approval by both Houses of Parliament, such an order shall be published in the Gazette and shall take effect on and from such day as the Governor may, by proclamation published in the Gazette, specify in respect thereof, being a day not earlier than the date of publication of the order and the date of publication of the proclamation.

(15) Section 19 (2)–(5)—

After section 19 (1), insert :—

(2) For the purposes of this Act, where a contributor is on leave without pay from the service of his employer and is on secondment to the service of another employer, his salary shall, notwithstanding subsection (1), be that paid or payable by that other employer.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(3) For the purposes of this Act, where a contributor is on approved leave from the service of his employer and is not on secondment to the service of another employer, and the Board is of the opinion that his salary would have been varied had he not been on that leave, he shall, unless the Board otherwise determines, be deemed to have been paid by his employer salary at the rates to which and at the times at which it would have been varied.

(4) For the purposes of subsection (3), a person is on approved leave if he is on leave without pay from the service of his employer—

(a) by reason of—

- (i) his ill health;
- (ii) his secondment to the service of a public authority constituted by or under an Act;
- (iii) his secondment to the service of the Government of the Commonwealth or another State or to the service of a public authority constituted by or under an Act of the Parliament of the Commonwealth or another State; or
- (iv) his service with the naval, military or air forces of the Commonwealth;
or

(b) in circumstances approved by the Board under subsection (5).

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(5) For the purposes of subsection (4) (b), the Board may, if it thinks fit, approve of circumstances in which a person is on leave without pay from the service of his employer, if that employer certifies to the Board that that person is, during the period of leave, acting in the interests of the employer or the State.

(16) (a) Section 20c (1)—

Omit “three months”, insert instead “2 months”.

(b) Section 20c (4), (4A)—

Omit the subsections.

(17) Section 23B (3)—

Omit the subsection.

(18) (a) Section 23BA (2)—

Omit “For the purposes of determining the contributions payable consequent upon an election under this section the increase in salary shall be deemed to have been actually paid on the date on which such increase took effect.”.

(b) Section 23BA (2A), (2B)—

After section 23BA (2), insert :—

(2A) The contributions payable consequent on an election under this section in respect of a unit of pension shall be the contributions that

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

would have been payable had the unit been a unit
in respect of which the contributor was required
by section 10R (1) to contribute to the Fund.

(2B) Nothing in this section authorises a
person to elect to take up abandoned units.

(19) Section 23BB—

Omit the section.

(20) (a) Section 28B (1) (a)—

Omit “an employee”, insert instead “a con-
tributor”.

(b) Section 28B (1) (b)—

Omit the paragraph.

(c) Section 28B (1) (c)—

Omit “an employee or last so became”.

(21) (a) Section 29 (1)—

Omit “contributed”, insert instead “been a
contributor”.

(b) Section 29 (1A)—

Omit “contributed”, insert instead “been a
contributor”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(c) Section 29 (1F)—

Omit “contributed”, insert instead “been a contributor”.

(d) Section 29 (1G)—

Omit “contributed”, insert instead “been a contributor”.

(e) Section 29 (1I)—

Omit “entry to the fund of the contributor for limited benefits by the number of whole years between the date of entry”, insert instead “of the contributor for limited benefits at the date when he became a contributor by the number of whole years between that date”.

(f) Section 29 (1J)—

Omit “contributed”, insert instead “been a contributor”.

(22) Section 30A—

Omit the section.

(23) (a) Section 38A (1) (b) (i)—

Omit “an employee”, insert instead “a contributor”.

(b) Section 38A (1) (b) (ii)—

Omit the subparagraph.

(c) Section 38A (1) (b) (iii)—

Omit “an employee or last so became”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

(24) (a) Section 38c (3) (c)—

Omit “, subject to sections 12, 13 and 13A,”.

(b) Section 38c (4)—

Omit “four-weekly contribution period in respect of which he is required to contribute to the Fund by virtue of his subsequent employment”, insert instead “contribution period in which his employment resumes”.

(c) Section 38c (7)—

Omit the subsection, insert instead :—

(7) Part III applies to and in respect of a person who makes an election under this section and does not comply with this section, and so applies as if he had not made the election.

(25) (a) Section 92A (2)—

Omit “be contributors”, insert instead “contribute to the Fund”.

(b) Section 92A (2)—

Omit “becoming contributors”, insert instead “commencing to contribute”.

(c) Section 92A (3)—

Omit “not become a contributor unless”, insert instead “be deemed to be exempted from contributing to the Fund until”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CONTRIBUTIONS TO THE FUND—*continued.*

- (26) Section 103—
Omit the section.
- (27) Schedules I, IV, V—
Omit the Schedules.
-

Sec. 5.

SCHEDULE 4.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
RESERVE UNITS.

- (1) Section 15A (2)—
Omit “from time to time.”
- (2) Section 15A (2A)—
After section 15A (2), insert :—
(2A) An election under subsection (2) may only be made by a contributor within 2 months after his entry review day or his annual review day in any half-year.
- (3) Section 15A (4)—
Omit the subsection, insert instead :—
(4) Contributions in respect of a reserve unit—
(a) shall take effect—
(i) where the election is made within 2 months after the contributor’s entry review day—as from his entry payment day; or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 4—continued.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
RESERVE UNITS—continued.**

- (ii) where the election is made within 2 months after the contributor's annual review day in any half-year— as from his annual adjustment day in that half-year; and
- (b) shall be made as if the reserve unit were a contributory unit, contributions for which are payable as from that entry payment day or annual adjustment day, as the case may be.

SCHEDULE 5.

Sec. 5.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO EARLY
VOLUNTARY RETIREMENT.**

(1) Section 28A (1), (2)—

Omit "three years" wherever occurring, insert instead "the prescribed period (as referred to in subsection (5))".

(2) Section 28A (5)—

After section 28A (4), insert :—

(5) For the purposes of this section, the prescribed period is—

- (a) in the case of a contributor the date of whose retirement under section 21 (1B) is before 13th January, 1977—the period of 3 years;
or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO EARLY
VOLUNTARY RETIREMENT—*continued.*

- (b) in the case of a contributor the date of whose retirement under section 21 (1B) is on or after 13th January, 1977—the period of 2 years and 6 months.
-

Sec. 5.

SCHEDULE 6.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
AUTOMATIC ADJUSTMENT OF CHILDREN'S PENSIONS.

(1) Section 2—

After the matter relating to Division 6 of Part IV,
insert :—

DIVISION 7.—*Automatic adjustment of children's
pensions—ss. 61L–61R.*

(2) Section 17A (3)—

After section 17A (2), insert :—

(3) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 7 of Part IV had not been enacted.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
AUTOMATIC ADJUSTMENT OF CHILDREN'S PENSIONS—
continued.

(3) Sections 30, 31—

Omit "at the rate of four dollars per week" wherever occurring, insert instead "of the appropriate amount per week under section 61M".

(4) Section 33 (1)—

Omit "at the rate of ten dollars per week", insert instead "of the appropriate amount per week under section 61N".

(5) (a) Section 43A (4) (a)—

Omit "ten dollars per week", insert instead "the appropriate amount per week under section 61N".

(b) Section 43A (4) (b)—

Omit "four dollars per week", insert instead "the appropriate amount per week under section 61M".

(6) Part IV, Division 7—

After Division 6 of Part IV, insert :—

DIVISION 7.—*Automatic adjustment of children's pensions.*

SCHEDULE

Superannuation (Amendment).

 SCHEDULE 6—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
 AUTOMATIC ADJUSTMENT OF CHILDREN'S PENSIONS—
continued.

Interpre-
tation:
Div. 7 of
Pt. IV.

61L. In this Division, except in so far as the context or subject-matter otherwise indicates or requires, "adjustment date", "adjustment percentage" and "year" have the meanings respectively ascribed to those expressions by section 61B (1).

Children's
pensions.

61M. (1) For the purposes of sections 30, 31 and 43A (4) (b), the appropriate amount of pension in respect of a child or student is, subject to this section, \$4 per week.

(2) Subject to this Division, the appropriate amount of pension under this section is, as from the adjustment date for the year commencing on 1st July, 1975, increased by 49.5 per centum.

(3) Subject to this Division, where pensions are increased or decreased under Division 6 by a percentage for a year subsequent to that referred to in subsection (2), the appropriate amount of pension, as previously adjusted, under this section is, as from the adjustment date for that year, increased or decreased, as the case may be, by that percentage.

Orphans'
pensions.

61N. (1) For the purposes of sections 33 and 43A (4) (a), the appropriate amount of pension in respect of a child or student is, subject to this section, \$10 per week.

(2) Subject to this Division, the appropriate amount of pension under this section is, as from the adjustment date for the year commencing on 1st July, 1975, increased by 49.5 per centum.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
AUTOMATIC ADJUSTMENT OF CHILDREN'S PENSIONS—
continued.

(3) Subject to this Division, where pensions are increased or decreased under Division 6 by a percentage for a year subsequent to that referred to in subsection (2), the appropriate amount of pension, as previously adjusted, under this section is, as from the adjustment date for that year, increased or decreased, as the case may be, by that percentage.

61O. Notwithstanding anything in this Division, the appropriate amount of pension under—

- (a) section 61M—shall not be reduced below \$4 per week; or
- (b) section 61N—shall not be reduced below \$10 per week.

Minimum amounts to which pensions may be reduced.

61P. Where the operation of the provisions of this Division would increase the pension payable to a person, and that person, or the child or student in respect of whom the pension is payable, would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by or in respect of that person, or that child or student, the amount of the increase shall be such lesser amount than that provided for under this Division as the Board from time to time determines, and the amount of the increase so determined shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

Suspension of increase in pension in certain circumstances.

61Q. (1) Where a pension payable in respect of a child or student exceeds—

- (a) in the case of a pension referred to in section 61M—\$4 per week; or

Additional payments by employers.

Superannuation (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
AUTOMATIC ADJUSTMENT OF CHILDREN'S PENSIONS—
continued.

(b) in the case of a pension referred to in section
61N—\$10 per week,

the employer in whose service the deceased pensioner concerned was employed at the date of his retirement or retrenchment, or in whose service the deceased contributor concerned was employed at the date of his death, shall pay to the Fund at such intervals as may be determined by the Board and on the requisition of the Board, an amount equal to the amount by which the pension exceeds \$4 per week or \$10 per week, as the case may be.

(2) An amount payable by an employer under this section is additional to any contribution or other payment that the employer is required to make under any other provisions of this Act.

**Operation of
Division.**

61R. An increase or decrease of the appropriate amount under section 61M or 61N operates in relation to pensions being paid as at the date of the increase or decrease, as well as to pensions that become payable thereafter.

Superannuation (Amendment).

SCHEDULE 7.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCED VALUE UNITS.

(1) Section 2—

After the matter relating to Division 2 of Part IV,
insert :—

DIVISION 2A.—*Reduced value units—ss. 47C–47F.*

(2) (a) Section 3 (1), definition of “Contributory unit”—

Before the definition of “Department”, insert :—

“Contributory unit” means a unit of pension
other than a reduced value unit, an
abandoned unit or a reserve unit of
pension under section 15A.

(b) Section 3 (1), definition of “Reduced value unit”—

Before the definition of “Regulations”, insert :—

“Reduced value unit” means a reduced value
unit allocated under section 47C.

(3) (a) Section 37 (1) (a)—

After “Act” where secondly occurring, insert
“(subsection (2A) excepted)”.

(b) Section 37 (2A)—

After section 37 (2), insert :—

(2A) A contributor entitled to a lump sum
payment under subsection (1) (a) is also en-
titled to a lump sum payment equal to two and

SCHEDULE

Superannuation (Amendment).

 SCHEDULE 7—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
 REDUCED VALUE UNITS—*continued.*

one-half times the contributions that would have been payable by him in accordance with this Act in respect of each of the reduced value units allocated to him, had each such reduced value unit been held by him as a contributory unit as from the earliest of the times that he is deemed by section 47C (6) to have held the reduced value unit.

In the application of this subsection to a person who became or becomes a contributor on or after 1st July, 1963, this subsection shall be read and construed as if the words “two and one-half times” were omitted therefrom and the words “one and one-half times” were inserted instead.

(c) Section 37 (7)—

After section 37 (6), insert :—

(7) Where a lump sum is payable to a former employee under subsection (2A), the employer from whose service the employee has been re-trenched shall pay to the Fund on requisition by the Board a lump sum equal to the firstmentioned lump sum.

(4) Division 2A of Part IV—

After Division 2 of Part IV, insert :—

DIVISION 2A.—*Reduced value units.*

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCED VALUE UNITS—*continued.*

47C. (1) Where—

- | | |
|---|--|
| <ul style="list-style-type: none"> (a) a contributor or his widow is entitled to a pension under this Act consequent on the contributor's ceasing to be a contributor; (b) a contributor in the provisional category is retired under section 22 before the maturity age or, in the case of a married male contributor, dies before the maturity age; or (c) a contributor elects to take the benefit of section 37, | Allocation
of reduced
value units. |
|---|--|

and the contributor has attained the age of 47 years at or before his exit day and has a number of abandoned units at his exit day, the Board shall (whether or not he has died) allocate to him one (and one only) reduced value unit in substitution for each of the number of abandoned units that he has at his exit day, to a maximum number (disregarding any fraction) equal to one-half of the contributory units held by him at that day.

(2) The reduced value units allocated to a contributor under this section shall be deemed to have been held by him at his exit day.

(3) Where—

- (a) a person referred to in subsection (1) has made an election to take up an abandoned unit under section 10Y or 10Z; and
- (b) the unit has not been held as a contributory unit for at least 2 years and 6 months,

Superannuation (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCED VALUE UNITS—*continued.*

the Board may treat the unit as not having been taken up as a contributory unit, and, if the Board does so, the contributions paid to the Fund by the contributor concerned or his widow in respect of the unit shall be refunded.

(4) For the purposes of this section, where an election is made under section 10R to abandon a unit of pension, the unit shall be deemed to be an abandoned unit that the contributor concerned had at his exit day.

(5) For the purposes of this section, where an election is made under section 23BA in respect of one or more additional units of pension, the unit or units shall be deemed to have been held by the contributor concerned at his exit day.

(6) For the purposes of sections 29A (1), 37 (2A) and 47D (3), a contributor to whom reduced value units are allocated under this section shall, as at his exit day, be deemed to have held at any time after he attained the age of 47 years, or 13th January, 1977, whichever is the later, one (and one only) reduced value unit for each of the number of abandoned units that he had at that time, to a maximum number (disregarding any fraction) equal to one-half of the contributory units held by him at that time, but so that—

- (a) the number of reduced value units that he would, but for this paragraph, be so deemed to have held before that time does not exceed the number that he is so deemed to have held at that time; and

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCED VALUE UNITS—*continued.*

- (b) the number of reduced value units that he would, but for this paragraph, be so deemed to have held at that time does not exceed the number that he is allocated at his exit day.

(7) Where the number of reduced value units to be allocated to a contributor is smaller than the number of abandoned units that he has at his exit day, the Board shall, for the purposes of subsection (6), have regard to such of those abandoned units as he has had the longest.

(8) This section does not apply to—

- (a) a person to the extent to which he or his widow satisfies the Board that the allocation of reduced value units would prejudicially affect his or the widow's interests; or
- (b) a person whose exit day is before 13th January, 1977.

47D. (1) Subject to this section, pensions are payable in respect of reduced value units as if they were contributory units. Benefits payable in respect of reduced value units.

(2) Notwithstanding anything in this or any other Act, but subject to this section, the sum of \$3.30 per fortnight shall, in respect of reduced value units, be the unit of pension.

(3) Where a pension becomes payable under section 28A to a contributor—

- (a) the fortnightly pension, payable to him in respect of a reduced value unit that is allocated to him and that he is deemed by

SCHEDULE

Superannuation (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCED VALUE UNITS—*continued.*

section 47C (6) to have held for not less than 2 years and 6 months, shall be the amount that bears to \$3.30 the same proportion as the fortnightly pension that would be payable in respect of that unit had it been a contributory unit bears to \$5.50; and

- (b) pension is not payable to him in respect of a reduced value unit that is allocated to him and that he is deemed by section 47C (6) to have held for less than 2 years and 6 months.

(4) Where a pension becomes payable under section 29 in respect of contributory units for which a contributor for limited benefits has contributed, the fortnightly pension payable in respect of each of his reduced value units shall be the amount that bears to \$3.30 the same proportion as the fortnightly pension payable in respect of each of those contributory units bears to \$5.50.

(5) The pension payable in respect of reduced value units to a former employee, or if the former employee is a male, his widow, may not be commuted under section 21A.

(6) Notwithstanding anything in section 21A, the amount of pension that, by that section, may not be commuted may consist wholly or partly of pension that, by subsection (5), may not be commuted.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCED VALUE UNITS—*continued.*

(7) The pension payable in respect of reduced value units is subject to automatic adjustment in accordance with Division 6.

47E. No contributions to the Fund are payable by a contributor in respect of a reduced value unit. No employee contributions payable.

47F. (1) No contributions to the Fund are payable by an employer in respect of a reduced value unit, but nothing in this subsection affects the operation of subsection (2). Employer contributions.

(2) An amount equal to so much of a pension payable under this Act as is referable to a reduced value unit shall be paid to the Fund by the last employer of the contributor to whom the unit was allocated, at fortnightly or such other intervals as may be determined by the Board, and on the requisition of the Board.

Superannuation (Amendment).

Sec. 5.

SCHEDULE 8.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 3 (1), definition of "Contribution period"—

After the definition of "Civil Service Acts", insert :—

"Contribution period" means a four-weekly period commencing on and including a date specified in Column 2 of Schedule XVI and ending on and including the date specified opposite thereto in Column 3 of that Schedule.

(2) Section 17—

Omit "prescribed periods" wherever occurring, insert instead "fortnightly or such other intervals as may be determined by the Board and".

(3) Section 17A (1)—

Omit "prescribed periods", insert instead "fortnightly or such other intervals as may be determined by the Board".

(4) Section 17B (1)—

Omit "monthly", insert instead "fortnightly".

(5) Section 17C (1)—

Omit "monthly", insert instead "fortnightly".

(6) Section 19B—

Omit the section.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(7) Section 20 (2)—

At the end of section 20, insert :—

(2) Contributors' and employers' contributions in respect of a contribution period to be paid under subsection (1) to the Board by employers shall be paid to the Board within the 7 days next following the last day of that contribution period, or within such other period as the Board may determine.

(8) Section 23A (2)—

At the end of section 23A, insert :—

(2) Where a period of employment that a person has had with an employing authority is continuous with a later period of service as an employee with an employer, the Board may, if it is satisfied that, having regard to the nature of the work carried out by that person during the firstmentioned period, it is proper to do so, treat, for the purposes of sections 21 and 23, that firstmentioned period of employment as a period of service as an employee with that employer.

(9) Section 38c (1) (a)—

Omit "six and one-half", insert instead "eight and one-half".

(10) Section 43A—

Omit "twenty-three years" wherever occurring, insert instead "twenty-five years".

SCHEDULE

Superannuation (Amendment).

SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(11) (a) Section 61—

Omit “the rate of three and a half per centum” wherever occurring, insert instead “the prescribed rate per centum”.

(b) Section 61 (2)—

At the end of section 61, insert :—

(2) For the purposes of this section, “the prescribed rate per centum” means eight and one-half per centum or such other rate as may be prescribed :

Provided that any such other rate shall have effect only as and from the date the same is prescribed or such later date as may be fixed by the regulation prescribing the same.

(12) Section 61A (6)—

Omit “three and one-half per centum”, insert instead “eight and one-half per centum”.

(13) Section 61D (2)—

Omit “before 1st July” wherever occurring, insert instead “on or before 1st July”.

(14) (a) Section 61E (2)—

Omit “on or after” wherever occurring, insert instead “after”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(b) Section 61E (2)—

Omit “31st March” wherever occurring, insert instead “1st April”.

(c) Section 61E (3)—

After “quarters after”, insert “, and (if applicable) the whole quarter on the first day of which”.

(15) Section 81—

Omit the section, insert instead :—

81. (1) The Board may delegate any of its **Delegation.** powers, authorities, duties or functions under this or any other Act or under the regulations, except this power of delegation, to any member of the Board or any member of the staff of the Board.

(2) The decision of a member of the Board or a member of the staff of the Board made when he is acting in pursuance of a delegation under this section shall be deemed to be a decision of the Board.

(3) A delegation under this section may be revoked by the Board at any time and does not prevent the exercise of any power, authority, duty or function by the Board.

(16) Section 89—

Omit the section.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(17) Section 91 (1) (b) (ii)—

Omit “three months”, insert instead “2 months”.

(18) (a) Section 91A (2)—

Omit “six and one-half”, insert instead “eight and one-half”.

(b) Section 91A (2)—

After “amount” where firstly occurring, insert “(including any amount of contribution, whether or not payment thereof has been deferred by the Board)”.

(c) Section 91A (2)—

After “pensioner,” where secondly occurring, insert “or in respect of any amount owing to the Fund by an employer in respect of a contributor or former contributor,”.

(19) (a) Section 92A (1), definition of “authority”—

Omit the definition.

(b) Section 92A (2) (a)—

Omit “employing authority specified in Schedule III”, insert instead “employer”.

(c) Section 92A (2) (b)—

Omit “authority”, insert instead “employer”.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(d) Section 92A (5)—

Omit “authority”, insert instead “employer”.

(20) Section 94 (3)—

Omit “any date”, insert instead “30th June in 1977 or
in any subsequent year”.

(21) Schedule XVI—

After Schedule XV, insert :—

SCHEDULE XVI.

Sec. 3 (1).

FOUR-WEEKLY CONTRIBUTION PERIODS.

Column 1.	Column 2.	Column 3.
Period No.	Commencing Date.	Terminating Date.
1.	1st July.	28th July.
2.	29th July.	25th August.
3.	26th August.	22nd September.
4.	23rd September.	20th October.
5.	21st October.	17th November.
6.	18th November.	15th December.
7.	16th December.	12th January.
8.	13th January.	9th February.
9.	10th February.	9th March.
10.	10th March.	6th April.
11.	7th April.	4th May.
12.	5th May.	1st June.
13.	2nd June.	30th June.

SCHEDULE

Superannuation (Amendment).

Sec. 6.

SCHEDULE 9.

SAVINGS AND TRANSITIONAL PROVISIONS.

Contributors for limited benefits. 1. A person who was a contributor for limited benefits immediately before the commencement of Schedule 2 shall, subject to the Principal Act as amended by this Act, continue to be such a contributor.

Suppressed or misleading information. 2. A person to whom section 11AA of the Principal Act applied before 13th January, 1977, shall be deemed to be a person to whom section 10E of that Act, as amended by this Act, applies and anything done under or for the purposes of section 11AA shall, to the extent to which the Board so directs, be deemed to have been done under or for the purposes of section 10E.

References to contributors and employees. 3. The amendments made to the Principal Act by Schedule 3 (2) (b) and (g) apply to persons who were employees before, or become employees after, the commencement of Schedule 3, but do not apply to persons who have, before that commencement, ceased to be employees.

Salary decreases. 4. (1) Where the salary of a contributor was reduced before the commencement of Schedule 3 and the salary as reduced is actually paid as from a date before that commencement, sections 13, 13A and 101 of the Principal Act apply to and in respect of the reduction in the same way as if this Act had not been enacted.

(2) Where an application under section 13A of the Principal Act is dealt with after the commencement of Schedule 3 and—

- (a) where the Board, as a consequence of the application, approves of the applicant's continuing to contribute for one or more units of pension, the

SCHEDULE

Superannuation (Amendment).

SCHEDULE 9—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

approval shall be deemed to have been given under that section (as in force immediately before that commencement); and

- (b) where the Board, as a consequence of the application, does not approve of the applicant's continuing to contribute for one or more units of pension, the applicant shall be deemed not to have been required to contribute for the unit or units on 12th January, 1977.

5. (1) Section 10AA (2) of the Principal Act, as amended by Schedule 3, applies to abandoned units to which an election under section 12 (4) of the Principal Act applies made by a contributor who ceases to be an employee on or after 13th January, 1977, and so applies as if the election was made under Division 4 of Part III of the Principal Act, as so amended.

(2) Section 12 (5) of the Principal Act continues to apply to abandoned units to which an election under section 12 (4) of the Principal Act applies made by a contributor who ceased or ceases to be a contributor before 13th January, 1977.

6. Nothing in this Act affects the operation of section 6 of the Superannuation (Amendment) Act, 1975.

7. Section 23A (2) of the Principal Act, as amended by Schedule 8 (8), does not apply in relation to a later period of service referred to therein, if that period expired before the date of assent to this Act.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 9—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- Students.** 8. A pension is not, by reason of the amendment made to section 43A of the Principal Act by Schedule 8 (10), payable in respect of any period before the date of assent to this Act.
- Surrender of policies.** 9. The rate of eight and one-half per centum, applicable by the amendments made to sections 61 and 61A of the Principal Act by Schedule 8 (11) and (12), have effect only as from the commencement of Schedule 8 (11) and (12), respectively.
- Automatic adjustment of pensions.** 10. The amendments made by Schedule 8 (13) and (14) apply only to pensions in payment at or after the date of assent to this Act.
- Payment of pensions while in service.** 11. The amendment made by Schedule 8 (20) does not affect the operation that section 94 of the Principal Act had in relation to any period of 12 months ending before the date of assent to this Act.
- Persons transferring from other schemes.** 12. Section 92A of the Principal Act, as amended by Schedule 3, applies to persons who have not complied with any terms and conditions determined under that section of the Principal Act before, as well as after, the commencement of Schedule 3.
- Elections, etc.** 13. The right to make an election, application or choice under the Principal Act, or any Act amending that Act, in existence on 12th January, 1977, continues in existence as if this Act had not been enacted.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 9—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

14. Nothing in this Act affects any saving in the Interpretation Act, 1897.

Interpretation Act, 1897, not affected.

15. (1) Regulations may be made under the Principal Act for or with respect to matters of a savings or transitional nature, consequent on the enactment of this Act.

Regulations.

(2) Regulations made for the purposes of this clause have effect notwithstanding any of the other clauses of this Schedule.

(3) Regulations made for the purposes of this clause may be made so as to take effect on and from the date of assent to this Act or any date thereafter, notwithstanding that that date is earlier than the date on which they are made or published in the Gazette.
