

SUPERANNUATION (AMENDMENT) ACT, 1983, No. 21

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 21, 1983.

An Act to amend the provisions of the Superannuation Act, 1916, relating to investment of the State Superannuation Fund and for other purposes.
[Assented to, 21st April, 1983.]

See also Local Government and Other Authorities (Superannuation) Amendment Act, 1983; Building and Construction Industry Long Service Payments (Amendment) Act, 1983; New South Wales Retirement Benefits (Amendment) Act, 1983.

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, 1983".

Commencement.

2. (1) Except as provided by subsections (2)–(5), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–10, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 9 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 2 shall be deemed to have commenced on 24th December, 1982.

(5) Schedule 6 shall be deemed to have commenced on 13th January, 1978.

Principal Act.

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

Superannuation (Amendment).

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

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INVESTMENT OF THE STATE SUPERANNUATION FUND.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PAYMENTS IN RESPECT OF CERTAIN PENSION INCREASES.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO DISCLOSURE OF PECUNIARY INTERESTS BY MEMBERS OF THE BOARD.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE TIME FOR SUBMITTING ANNUAL REPORTS, ETC.

SCHEDULE 5.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO STAFF EMPLOYED BY THE BOARD.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PERSONS REFUSING MEDICAL EXAMINATION.

SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTORS ON SECONDMENT.

SCHEDULE 8.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO BOARD'S POWER TO VARY PENSION PAYABLE.

SCHEDULE 9.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS.

SCHEDULE 10.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 11.—AMENDMENTS TO THE SUPERANNUATION (AMENDMENT) ACT, 1970.

SCHEDULE 12.—AMENDMENT TO THE SUPERANNUATION (AMENDMENT) ACT, 1971.

SCHEDULE 13.—AMENDMENT TO THE SUPERANNUATION (AMENDMENT) ACT, 1974.

Superannuation (Amendment).

Amendment of Act No. 28, 1916.

5. The Principal Act is amended in the manner set forth in Schedules 1-10.

Amendment of Act No. 7, 1970.

6. The Superannuation (Amendment) Act, 1970, is amended in the manner set forth in Schedule 11.

Amendment of Act No. 7, 1971.

7. The Superannuation (Amendment) Act, 1971, is amended in the manner set forth in Schedule 12.

Amendment of Act No. 44, 1974.

8. The Superannuation (Amendment) Act, 1974, is amended in the manner set forth in Schedule 13.

Validation of certain matters.

9. (1) Any act or thing done before the date of assent to this Act that could have been lawfully done under the Principal Act, as amended by this Act, if the Principal Act, as so amended, had been in force when the act or thing was done is hereby validated.

(2) Where—

- (a) before the commencement of the Superannuation (Amendment) Act, 1969, a person who was the widow of a contributor, or of a pensioner, under the Principal Act remarried; and
- (b) the remarriage terminated (whether before or after that commencement) otherwise than by reason of the death of her husband,

the remarriage shall, for the purpose of the payment of pension under the Principal Act, be deemed to have terminated by the death of her husband and any payment of pension made to her before the date of assent to this Act which could have been made if the remarriage had terminated by reason of the death of her husband is hereby validated.

Superannuation (Amendment).

Savings.

10. (1) A determination made by the State Superannuation Board at any time before the commencement of Schedule 8, being a determination made under section 33A, 61I or 61P of, or clause 6 of Schedule XVIII to, the Principal Act, section 2 (5) of the Superannuation (Amendment) Act, 1971, or section 7 of the Superannuation (Amendment) Act, 1974, that an amount of pension, or an amount of increase in pension, payable to or in respect of a person shall be a lesser amount, shall be deemed to have been made under and for the purpose of section 33A of the Principal Act, as substituted by this Act.

(2) The repeal by this Act of sections 66 and 67 of, and Schedule II to, the Principal Act shall not affect an annuity sold by the State Superannuation Board under Part V of the Principal Act before the repeal by this Act of those sections and that Schedule and the annuity shall continue to be payable as if those sections and that Schedule had not been so repealed.

(3) A reference in the Principal Act to the rate of contribution for a unit of pension (whether or not a reserve unit) before the commencement of Schedule 9 shall, on and from that commencement, be read and construed as a reference to the equivalent rate comprising fortnightly contributions of an amount equal to half the amount paid by four-weekly contributions before that commencement.

(4) A person who, at the commencement of Schedule 9, is required, pursuant to section 10AH of the Principal Act, to contribute the cost of a unit of pension by instalments and who has not completed payment of those instalments shall, on and from that commencement, pay the amount unpaid of the cost of that unit by instalments at the equivalent rate (as referred to in subsection (3)) to that at which the instalments were paid before that commencement and any payment of instalments under this subsection shall be deemed to be payment of instalments under section 10AH of the Principal Act.

(5) Where contributions in respect of a unit of pension have been paid, or are payable, by an employer in accordance with the Principal Act, in respect of any period before the commencement of Schedule 9 and the amount of the contributions was calculated by reference to a number of complete four-weekly contributions payable before attainment by the employee in

Superannuation (Amendment).

respect of whom the contributions were payable of age 55 or 60, as the case may require, the contributions payable in respect of that unit of pension on and after that commencement shall be paid at the equivalent rate (as referred to in subsection (3)) to that at which they were paid or payable before that commencement.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INVESTMENT OF THE
STATE SUPERANNUATION FUND.

(1) Section 4A—

After section 4, insert:—

Relationship between powers of Board and powers of trustees.

4A. (1) To the extent (if any) to which, but for this subsection, the Board would not have in relation to the Fund the powers that it would have if it were a trustee of the Fund, it has those powers.

(2) To the extent (if any) to which, but for this subsection, the powers conferred by this Act on the Board in relation to the Fund would be restricted by the Trustee Act, 1925, or any other law relating to trusts or trustees, those powers are not so restricted.

(3) Nothing in this section—

(a) constitutes the Board as a trustee of the Fund; or

(b) implies that the Board is a trustee of the Fund.

Superannuation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INVESTMENT OF THE
STATE SUPERANNUATION FUND—*continued.*

(2) (a) Section 5A (1), definition of “government agency”—

Omit paragraph (b), insert instead:—

(b) a company of which at least 20 per cent of the issued ordinary share capital is beneficially owned directly or indirectly by—

(i) the government of a State or of the Commonwealth; or

(ii) a public authority referred to in paragraph (a);
or

(b) Section 5A (1), definition of “prescribed body”—

Omit paragraphs (h) and (i), insert instead:—

(h) a co-operative society;

(i) a company other than a company referred to in paragraph (a), (b) or (f);

(j) a government agency; or

(k) a government;

(c) Section 5A (3) (a)—

Omit the paragraph, insert instead:—

(a) at least 20 per cent of its issued ordinary share capital is beneficially owned directly or indirectly by the other company; and

(d) Section 5A (8) (a)—

Omit “or (h)”, insert instead “, (h) or (i)”.

(3) (a) Section 5C (1), definition of “bank”—

Omit “such bank or banks”, insert instead “a bank”.

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INVESTMENT OF THE
STATE SUPERANNUATION FUND—*continued.*

(b) Section 5C (1), definition of “bank”—

Omit “(other than a savings bank within the meaning of those Acts) as may be prescribed”.

(4) Section 5D—

After section 5C, insert:—

Investment powers—joint ventures.

5D. (1) The Fund or any part thereof, whether at the time in a state of investment or not, may be invested by the Board pursuant to an arrangement whereby the Board and any other person or persons make a joint investment in any manner in which the Board would be authorised to make an investment alone.

(2) Where a provision, however expressed, of an Act or an instrument under an Act (whether the Act was passed before, or is passed after, the commencement of this subsection) has the effect of conferring on any person the same powers to invest any money as are by this Act conferred on the Board in relation to the Fund or any part thereof, the powers conferred by the provision do not include the powers conferred by this section.

(5) Section 81A—

After section 81, insert:—

Employment of agents.

81A. The Board may employ and pay an agent to transact any business or do any act (including receiving or paying money) that the Board is authorised or required to transact or do in the exercise or performance of its powers, authorities, duties or functions.

Superannuation (Amendment).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PAYMENTS IN
RESPECT OF CERTAIN PENSION INCREASES.

(1) Section 9C (1), definition of "prescribed amount"—

Omit the definition, insert instead:—

"prescribed amount", in relation to a financial year, means the amount, if any, by which—

(a) the total of—

- (i) the amount by which formula X exceeds formula Y in that financial year;
- (ii) the amount by which formula X exceeded formula Y in preceding financial years;
- (iii) any payments by employers under this section in respect of preceding financial years, other than payments required to be made under subsection (2); and
- (iv) any payments by employers under section 9E in respect of preceding financial years,

exceeds—

(b) the total of—

- (i) 60 per cent of the secondary increases in preceding financial years;
- (ii) the additional commitment in respect of preceding financial years;
- (iii) 60 per cent of the increase referred to in subsection (2) (a) in preceding financial years commencing on or after 1st July, 1975; and
- (iv) the funded reduction (as defined in section 9E (1)) in respect of preceding financial years commencing on or after 1st July, 1982,

any financial year being disregarded if, in the case of subsection (3), it preceded 1st July, 1971, or, in the case of subsections (4A) and (4B), it preceded 1st July, 1972.

Superannuation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PAYMENTS IN
RESPECT OF CERTAIN PENSION INCREASES—*continued.*

(2) Section 9E—

After section 9D, insert:—

Reduction in employers' liability in respect of automatic and certain other adjustments in pensions.

9E. (1) In this section—

“financial year” means a period of 12 months ending on 30th June;

“funded reduction”, in relation to a financial year, means the amount payable out of the Fund during that financial year pursuant to subsection (2);

“prescribed amount” has the same meaning as it has in section 9C;

“prescribed percentage” means—

(a) except as provided by paragraph (b)—40 per cent;
or

(b) where a lesser percentage is prescribed—the percentage so prescribed.

(2) On and after the commencement of this section, the prescribed percentage of an amount which, but for this subsection, would be payable by an employer under section 8 of the Superannuation (Amendment) Act, 1974, section 61J or 61Q or clause 7 of Schedule XVIII shall not be so payable but shall, instead, be paid out of the Fund.

(3) If, in respect of the financial year ending on 30th June, 1983, or in respect of any succeeding financial year, the prescribed amount exceeds the total of—

(a) 60 per cent of the increase referred to in section 9C (2); and

(b) the additional commitment (as defined in section 9C (1)),

but the excess is less than the funded reduction, the employers shall pay to the Fund in accordance with subsection (5) an amount equal to the difference between the funded reduction and that excess.

Superannuation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PAYMENTS IN
RESPECT OF CERTAIN PENSION INCREASES—*continued.*

(4) If, in respect of the financial year ending on 30th June, 1983, or in respect of any succeeding financial year, the prescribed amount is equal to or less than the total referred to in subsection (3), the employers shall pay to the Fund in accordance with subsection (5) an amount equal to the funded reduction.

(5) Where an amount is payable pursuant to subsection (3) or (4) in respect of a financial year, each employer shall, in accordance with directions given by the Board, pay to the Fund an amount that bears to the amount so payable the same proportion as the part of the funded reduction which, but for subsection (2), would be payable by the employer during the financial year in question bears to the funded reduction in relation to that year.

(6) Any amount payable by an employer under this section shall be in addition to any amount payable by him under section 9A, 9B, 9C or 9D and any other contribution or payment otherwise payable by him to the Fund.

(7) This section shall not apply in respect of so much of any pension payable under this Act as is referable to a reduced value unit.

(8) A regulation prescribing a percentage for the purpose of the definition of "prescribed percentage" in subsection (1) may be made only on the recommendation of the Minister and the Treasurer, being a recommendation made after consideration of the report made under section 10 (3) in relation to the most recent investigation of the state and sufficiency of the Fund.

(9) A regulation referred to in subsection (8) may prescribe different percentages in relation to amounts payable as referred to in subsection (2) in different financial years or other periods.

Superannuation (Amendment).

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO DISCLOSURE OF
PECUNIARY INTERESTS BY MEMBERS OF THE BOARD.

(1) Section 74 (1)—

Omit “misbehaviour or”, insert instead “wilful contravention of a regulation made under section 74A or any other misbehaviour or for”.

(2) Section 74A—

After section 74, insert:—

Disclosure of pecuniary interests and other matters by members of the Board.

74A. The regulations may make provision for or with respect to—

- (a) the disclosure by members of the Board of all or any of the following pecuniary interests or other matters:—
 - (i) real or personal property;
 - (ii) income;
 - (iii) gifts;
 - (iv) financial or other contributions to any travel;
 - (v) shareholdings or other beneficial interests in corporations;
 - (vi) partnerships;
 - (vii) trusts;
 - (viii) positions (whether remunerated or not) held in, or membership of, corporations, trade unions, professional associations or other organisations or associations;
 - (ix) occupations, trades, professions or vocations;
 - (x) debts;
 - (xi) payments of money or transfers of property to relatives or other persons by, or under arrangements made by, members;

Superannuation (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO DISCLOSURE OF
PECUNIARY INTERESTS BY MEMBERS OF THE BOARD—*continued.*

- (xii) any other direct or indirect benefits, advantages or liabilities, whether pecuniary or not, of a kind specified in the regulations;
- (b) prescribing the manner in which, and the times at which, pecuniary interests or other matters shall be disclosed and providing for the verification by statutory declaration or otherwise of any such disclosure; and
- (c) the compilation and maintenance of registers of pecuniary interests or other matters disclosed by members and the inspection and publication of any such register.

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE TIME FOR
SUBMITTING ANNUAL REPORTS, ETC.

(1) Section 8A—

After section 8, insert:—

Statement of accounts.

8A. (1) The Board shall, as soon as practicable after 30th June in each year, but not later than the following 31st December, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General's certificate given under this section in relation to the statement.

Superannuation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE TIME FOR
SUBMITTING ANNUAL REPORTS, ETC.—*continued.*

(2) The statement of accounts shall be in a form approved by the Auditor-General after consultation with the Board, and shall include such information as is requested by him, and shall exhibit a true and fair view of the financial position and transactions of the Board.

(3) The Board shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

(4) The Auditor-General's certificate shall state that he has audited the accounts of the Board relating to the relevant financial year, and shall indicate whether the statement of accounts complies with subsection (2), and shall set forth any qualifications subject to which the certificate is given.

(5) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(6) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

(2) (a) Section 10 (3A)—

After section 10 (3), insert:—

(3A) The actuaries appointed to make an investigation referred to in subsection (1) shall, in respect of the investigation as at 30th June, 1984, and in respect of any succeeding investigation, complete their investigation and report the result

Superannuation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE TIME FOR
SUBMITTING ANNUAL REPORTS, ETC.—*continued.*

of their investigation to the Board as referred to in subsection (3) as soon as practicable, but not later than 13 months, after the date as at which the investigation was made.

(b) Section 10 (5)—

After section 10 (4), insert:—

(5) Where the Minister considers that the circumstances relating to any particular investigation so warrant it, he may authorise an extension of the time within which an investigation is required to be completed, or a report is required to be made, under subsection (3A) or a report is required to be forwarded to the Minister with comments under subsection (4) to such date as he may determine and any such authorisation shall have effect according to its tenor.

(3) Section 84—

Omit the section, insert instead:—

Annual report to Parliament.

84. The Board shall, as soon as practicable after 30th June in each year, but not later than the following 31st December, submit a report to Parliament, giving information as to its work, and as to any general decisions or principles adopted by it in the course of that work, during the year ended on 30th June then last past.

Superannuation (Amendment).

SCHEDULE 5.

(Sec. 5.)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO STAFF
EMPLOYED BY THE BOARD.

Sections 82, 82A—

Omit section 82, insert instead:—

Public Service staff.

82. (1) Such staff (including a secretary and an actuary) as may be necessary to enable the Board to exercise its functions shall be employed under the Public Service Act, 1979.

(2) Nothing in subsection (1) affects the employment of persons under section 82A.

Property management staff.

82A. (1) The Board may appoint and employ persons for the purpose of managing or maintaining real property in which the Board has an interest.

(2) A person employed under this section shall, subject to the terms of his appointment, continue in the service of the Board at the will of the Board only.

(3) A person employed under this section shall be subject to the sole control and governance of the Board which may fix wages and conditions of employment where they are not otherwise fixed in accordance with law.

(4) The Public Service Act, 1979, does not apply to or in respect of the appointment and employment of a person under this section, and such a person is not subject to the provisions of that Act while he is so employed.

Superannuation (Amendment).

SCHEDULE 5—*continued.*AMENDMENT TO THE PRINCIPAL ACT RELATING TO STAFF
EMPLOYED BY THE BOARD—*continued.*

(5) For the purposes of the accounts of the Board, the cost of employing a person under this section shall be deemed not to be a cost of management referred to in section 83 but shall be a charge against the income earned from investment of the Fund in the real property in relation to which the person is employed.

SCHEDULE 6.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PERSONS
REFUSING MEDICAL EXAMINATION.

(1) Section 10B (2)—

At the end of section 10B, insert:—

(2) A person shall submit himself to a prescribed medical examination as soon as practicable after he has been required to undergo such an examination as referred to in subsection (1) by an employer or the Board, whether or not the requirement was made before the person commenced employment.

(2) (a) Section 10C (1), (2)—

Omit the subsections, insert instead:—

(1) Where a person submits himself to a prescribed medical examination and, in the opinion of the Board, fails to pass the examination, the Board shall, subject to this section, treat him as if he had not, for the period of his employment, been an employee and, if he is still an employee, as if he were not an employee.

Superannuation (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PERSONS REFUSING
MEDICAL EXAMINATION—*continued.*

(b) Section 10c (4)–(7)—

After section 10c (3), insert:—

(4) Where—

- (a) a person has been required to submit himself to a prescribed medical examination; and
- (b) the Board forms the opinion that the person refused or wilfully neglected to submit himself to the examination,

the benefit payable on his ceasing, or, as the case may be, having ceased, to be an employee (whether by reason of his death or in any other circumstances except those referred to in section 21) shall be that which would be payable if he had resigned and elected under section 38B to take the benefit of section 38 and no pension or other benefit shall be payable to him or to, in respect of, any other person as a consequence of his so ceasing or having ceased to be an employee.

(5) Where the Board forms the opinion referred to in subsection (4) in relation to a person and the person subsequently submits himself to a prescribed medical examination and, in the opinion of the Board, passes the examination—

- (a) subsection (4) does not apply to the person in respect of his ceasing to be an employee; and
- (b) any pension or other benefit payable as a result of his ceasing to be an employee shall be calculated as if he had become a contributor from the time when, in the opinion of the Board he so passed the examination.

Superannuation (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PERSONS REFUSING
MEDICAL EXAMINATION—*continued.*

(6) Except as provided by subsection (7), where an employee who, in the opinion of the Board, did not submit himself to a prescribed medical examination as required by section 10B (2), being an employee who is not a person to whom subsection (4) applies, ceases to be an employee (whether by reason of his death or in any other circumstances), the Board shall treat him as if he had not, for the period of his employment, been an employee.

(7) Subsection (6) does not apply in respect of a person—

- (a) who, in the opinion of the Board, did not submit himself to a prescribed medical examination; and
- (b) in respect of whom, but for this subsection, that subsection would apply,

where the Board is of the opinion, having regard to such evidence as is available to it, that he would have passed a prescribed medical examination.

SCHEDULE 7.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTORS
ON SECONDMENT.

(1) Section 19 (3)—

After “another employer”, insert “and is not a contributor to and in respect of whom subsection (7) is declared pursuant to subsection (6) to apply”.

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTORS
ON SECONDMENT—*continued.*

(2) Section 19 (6), (7), (8)—

After section 19 (5), insert:—

(6) The Governor may, by instrument in writing, declare, either unconditionally or subject to conditions, that subsection (7) or (8) applies, or both apply—

(a) to and in respect of a contributor specified in the instrument who is on leave of absence from the service of his employer and is on secondment but not to the service of another employer; and

(b) generally during the period of that secondment or during such period as is specified in the instrument, being, in either case, a period commencing before or after the commencement of this subsection or the date of the declaration.

(7) During the period in which this subsection is declared pursuant to subsection (6) to apply to and in respect of a contributor who is on secondment, the contributor's salary shall, for the purposes of this Act, be that paid or payable in respect of the service to which he is seconded.

(8) During the period in which this subsection is declared pursuant to subsection (6) to apply to and in respect of a contributor who is on secondment, the employer specified in the declaration as the employer for the purposes of this Act shall, for the purposes of this Act, be deemed to be the employer from whose service the contributor is on leave of absence.

Superannuation (Amendment).

SCHEDULE 8.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
BOARD'S POWER TO VARY PENSION PAYABLE.

(1) Section 3 (10)—

Omit "611,".

(2) Section 31 (3)—

Omit the subsection.

(3) Section 33A—

Omit the section, insert instead:—

Variation of pension in certain circumstances.

33A. (1) In this section, a reference to pension under this Act is a reference to pension payable under this Act, including any increase to that pension payable under this or any other Act.

(2) Where a person entitled to receive a pension under this Act or a child or student in respect of whom such a pension is payable would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person, or that child or student, the amount of pension payable shall, subject to subsections (3) and (4), be such lesser amount than that provided for under this or any other Act as the Board from time to time determines.

(3) The Board shall not, under subsection (2), determine that an amount of pension payable otherwise than in respect of a child or student shall be an amount less than—

- (a) where the pension is payable to a pensioner who is married—except as provided by subsection (4), \$34 per fortnight or, where some other sum is prescribed for the purposes of section 21A (1) (a), that other sum; and
- (b) where the pension is payable to a pensioner who is a bachelor, widower, spinster, divorced person or widow—\$20 per fortnight or, where some other sum is prescribed for the purposes of section 21A (1) (b), that other sum.

Superannuation (Amendment).

SCHEDULE 8—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO BOARD'S POWER TO VARY PENSION PAYABLE—*continued.*

(4) Where a husband and wife are both entitled to receive a pension under this Act, the Board shall not, under subsection (2), determine that the amounts of pension payable to them shall be amounts such that the total is less than \$34 per fortnight or, where some other sum is prescribed for the purposes of section 21A (1) (a), that other sum.

(5) Where the Board, under subsection (2), determines an amount of pension under this Act, the amount of the pension as determined by the Board 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.

(6) A part of a pension that is not paid because of the operation of subsection (2) shall, in calculating a pension payable under section 30 or 31, be taken into account as if it had been payable.

(4) Section 61B (1), definition of "suspended part of a pension"—

Omit "section 2 (5) of the Superannuation (Amendment) Act, 1971, section 7 of the Superannuation (Amendment) Act, 1974, section 33A or 61I, or clause 6 of Schedule XVIII", insert instead "section 33A".

(5) Sections 61I, 61P—

Omit the sections.

(6) Schedule XVIII, clause 6—

Omit the clause.

Superannuation (Amendment).

SCHEDULE 9.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS.

- (1) Section 3 (1), definition of "contribution period"—
Omit "four-weekly", insert instead "fortnightly".
- (2) Sections 10AA (2), 10AH (2) (b), 29, 37C (3)—
Omit "the last day" wherever occurring, insert instead "the day preceding the first day".
- (3) Sections 10AA (3), 10AE, 10AF, 10AH (5) (a) (i), 10AI, 10AL, 10AM (3)—
Omit "contribution period in which" wherever occurring, insert instead "contribution period preceding that in which".
- (4) Section 10AA (3)—
Omit "that period", insert instead "those periods".
- (5) Sections 10AD (6), 10AK (5)—
After "Superannuation (Amendment) Act, 1977," wherever occurring, insert "and the Superannuation (Amendment) Act, 1983,".
- (6) (a) Section 10AH (1)—
Omit "65 four-weekly instalments", insert instead "130 fortnightly instalments".
(b) Section 10AH (1)—
Omit "one sixty-fifth", insert instead "1/130th".
(c) Section 10AH (5) (a) (ii)—
Omit "after the contribution period", insert instead "in or after the contribution period preceding that".

Superannuation (Amendment).

SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*

(d) Section 10AH (6)—

Omit “65”.

(e) Section 10AH (6)—

Omit “65th”, insert instead “last”.

(7) Section 12CA (1)—

Omit “65”.

(8) Section 19 (1)—

Omit “month or four-weekly”.

(9) Section 28A (4)—

Omit “month or four-weekly contribution period, as the case may be,”, insert instead “contribution period preceding that”.

(10) Section 29 (6)—

Omit “contribution period during which”, insert instead “contribution period preceding the contribution period in which”.

(11) (a) Section 38c (3)—

Omit “four-weekly contribution period”, insert instead “contribution period preceding that”.

(b) Section 38c (4)—

Omit “four-weekly” wherever occurring.

(c) Section 38c (12)—

After section 38c (11), insert:—

(12) Where, by reason of making an election under, and complying with, this section, a person is deemed not to have ceased to be an employee or a contributor, the employer of the person immediately before the cessation of employment that

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*

gave rise to the election shall pay to the Fund the contribution that would, had the person continued in the employment of the employer, have been payable by the employer in respect of the person for the contribution period preceding that in which the cessation of employment occurred.

(12) Schedules VII–X—

Omit the Schedules, insert instead:—

SCHEDULE VII.

(Sec. 10AD (1).)

TABLE A.

MEN.

Employee Contributions per Fortnight.
(Contributors at 30th June, 1963.)

Age Next Birthday.	For Each Additional Unit.	Age Next Birthday.	For Each Additional Unit.
	\$		\$
26	0.27	41	0.63
27	0.29	42	0.67
28	0.30	43	0.73
29	0.32	44	0.78
30	0.34	45	0.84
31	0.35	46	0.92
32	0.37	47	1.00
33	0.39	48	1.10
34	0.42	49	1.22
35	0.44	50	1.36
36	0.46	51	1.53
37	0.49	52	1.74
38	0.52	53	2.02
39	0.55	54	2.38
40	0.59	55	2.90
		56–60	$396.90 \div (n - 1)$

NOTE: n denotes the number of complete fortnightly contribution periods before age 60.

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*SCHEDULE VII—*continued.*

TABLE B.

WOMEN.

Employee Contributions per Fortnight.

(Contributors at 30th June, 1963.)

Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.	Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.
	\$	\$		\$	\$
26	0.36	0.26	41	1.01	0.62
27	0.38	0.27	42	1.11	0.67
28	0.40	0.29	43	1.22	0.72
29	0.43	0.30	44	1.36	0.78
30	0.46	0.32	45	1.52	0.84
31	0.49	0.34	46	1.71	0.92
32	0.52	0.35	47	1.96	1.00
33	0.56	0.38	48	2.27	1.10
34	0.60	0.40	49	2.69	1.22
35	0.64	0.42	50	3.27	1.36
36	0.69	0.45	51	$450.90 \div (n - 1)$	1.54
37	0.74	0.48	52	$450.90 \div (n - 1)$	1.75
38	0.79	0.51	53	$450.90 \div (n - 1)$	2.03
39	0.86	0.54	54	$450.90 \div (n - 1)$	2.40
40	0.93	0.58	55	$450.90 \div (n - 1)$	2.92
			56-60	$395.54 \div (n - 1)$

NOTE: n denotes the number of complete fortnightly contribution periods before maturity age (age 55 or age 60, as the case may be).

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*

SCHEDULE VIII.

(Sec. 10AK (1).)

TABLE A.

MEN.

Employer Contributions per Fortnight.

(Contributors at 30th June, 1963.)

Age Next Birthday.	For Each Additional Unit.	Age Next Birthday.	For Each Additional Unit.
	\$		\$
26	0.25	41	0.58
27	0.27	42	0.63
28	0.28	43	0.67
29	0.30	44	0.72
30	0.31	45	0.78
31	0.33	46	0.85
32	0.34	47	0.93
33	0.36	48	1.02
34	0.39	49	1.13
35	0.41	50	1.26
36	0.43	51	1.42
37	0.45	52	1.61
38	0.48	53	1.87
39	0.51	54	2.21
40	0.55	55	2.69
		56-60	$367.50 \div (n - 1)$

NOTE: n denotes the number of complete fortnightly contribution periods before age 60.

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*SCHEDULE VIII—*continued.*

TABLE B.

WOMEN.

Employer Contributions per Fortnight.
(Contributors at 30th June, 1963.)

Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.	Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.
	\$	\$		\$	\$
26	0.33	0.24	41	0.94	0.57
27	0.35	0.25	42	1.03	0.62
28	0.38	0.27	43	1.13	0.67
29	0.40	0.28	44	1.26	0.72
30	0.43	0.30	45	1.41	0.78
31	0.45	0.31	46	1.58	0.85
32	0.48	0.33	47	1.81	0.93
33	0.52	0.35	48	2.10	1.02
34	0.55	0.37	49	2.49	1.13
35	0.59	0.39	50	3.03	1.26
36	0.64	0.42	51	$417.50 \div (n - 1)$	1.42
37	0.68	0.44	52	$417.50 \div (n - 1)$	1.63
38	0.73	0.47	53	$417.50 \div (n - 1)$	1.88
39	0.79	0.50	54	$417.50 \div (n - 1)$	2.22
40	0.86	0.54	55	$417.50 \div (n - 1)$	2.70
			56-60	..	$366.26 \div (n - 1)$

NOTE: n denotes the number of complete fortnightly contribution periods before maturity age (age 55 or age 60, as the case may be).

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*

SCHEDULE IX.

(Sec. 10AD (2).)

TABLE A.

MEN.

Employee Contributions per Fortnight.

(Contributors after 30th June, 1963.)

Age Next Birthday.	For First 2 Units.	For Each Additional Unit.	Age Next Birthday.	For First 2 Units.	For Each Additional Unit.
	\$	\$		\$	\$
16	0.43	0.21	36	1.23	0.58
17	0.47	0.22	37	1.31	0.62
18	0.49	0.23	38	1.37	0.65
19	0.52	0.24	39	1.46	0.70
20	0.55	0.26	40	1.56	0.75
21	0.58	0.27	41	1.66	0.80
22	0.61	0.28	42	1.77	0.85
23	0.64	0.30	43	1.90	0.92
24	0.66	0.31	44	2.04	0.99
25	0.70	0.33	45	2.19	1.06
26	0.72	0.34	46	2.38	1.16
27	0.77	0.36	47	2.59	1.26
28	0.81	0.38	48	2.84	1.38
29	0.85	0.40	49	3.14	1.53
30	0.90	0.43	50	3.48	1.70
31	0.95	0.45	51	3.92	1.92
32	1.01	0.47	52	4.47	2.19
33	1.06	0.50	53	5.16	2.53
34	1.12	0.53	54	6.08	2.99
35	1.17	0.55	55	7.37	3.63
			56-60	$999.36 \div (n - 1)$	$493.28 \div (n - 1)$

NOTE: n denotes the number of complete fortnightly contribution periods before age 60.

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*SCHEDULE IX—*continued.*

TABLE B.

WOMEN.

Employee Contributions per Fortnight.

(Contributors after 30th June, 1963.)

Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.	Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.
	\$	\$		\$	\$
16	0.23	0.17	36	0.81	0.53
17	0.24	0.18	37	0.87	0.57
18	0.26	0.19	38	0.94	0.60
19	0.27	0.20	39	1.01	0.64
20	0.29	0.21	40	1.10	0.69
21	0.31	0.23	41	1.20	0.73
22	0.33	0.24	42	1.31	0.79
23	0.35	0.25	43	1.45	0.85
24	0.38	0.27	44	1.61	0.92
25	0.41	0.29	45	1.80	1.00
26	0.43	0.31	46	2.03	1.09
27	0.45	0.32	47	2.32	1.19
28	0.48	0.34	48	2.69	1.31
29	0.51	0.36	49	3.19	1.45
30	0.55	0.38	50	3.88	1.61
31	0.58	0.40	51	$534.40 \div (n - 1)$	1.82
32	0.62	0.42	52	$534.40 \div (n - 1)$	2.08
33	0.66	0.45	53	$534.40 \div (n - 1)$	2.41
34	0.71	0.47	54	$534.40 \div (n - 1)$	2.85
35	0.75	0.50	55	$534.40 \div (n - 1)$	3.46
			56-60	..	$468.80 \div (n - 1)$

NOTE: n denotes the number of complete fortnightly contribution periods before maturity age (age 55 or age 60, as the case may be).

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*

SCHEDULE X.

(Sec. 10AK (2).)

TABLE A.

MEN.

Employer Contributions per Fortnight.

(Contributors after 30th June, 1963.)

Age Next Birthday.	For First 2 Units.	For Each Additional Unit.	Age Next Birthday.	For First 2 Units.	For Each Additional Unit.
	\$	\$		\$	\$
16	0.27	0.13	36	0.77	0.36
17	0.29	0.14	37	0.81	0.39
18	0.31	0.14	38	0.86	0.41
19	0.33	0.15	39	0.91	0.44
20	0.34	0.16	40	0.98	0.47
21	0.36	0.17	41	1.03	0.50
22	0.38	0.18	42	1.11	0.53
23	0.40	0.19	43	1.18	0.57
24	0.42	0.20	44	1.28	0.62
25	0.43	0.20	45	1.37	0.66
26	0.45	0.21	46	1.48	0.72
27	0.48	0.23	47	1.62	0.79
28	0.51	0.24	48	1.78	0.86
29	0.53	0.25	49	1.96	0.96
30	0.56	0.27	50	2.18	1.06
31	0.60	0.28	51	2.45	1.20
32	0.63	0.29	52	2.79	1.37
33	0.66	0.31	53	3.23	1.58
34	0.70	0.33	54	3.80	1.87
35	0.74	0.35	55	4.61	2.27
			56-60	$624.60 \div (n - 1)$	$308.30 \div (n - 1)$

NOTE: n denotes the number of complete fortnightly contribution periods before age 60.

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*SCHEDULE X—*continued.*

TABLE B.

WOMEN.

Employer Contributions per Fortnight.

(Contributors after 30th June, 1963.)

Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.	Age Next Birthday.	Retirement at Age 55. For Each Unit.	Retirement at Age 60. For Each Unit.
	\$	\$		\$	\$
16	0.14	0.10	36	0.51	0.33
17	0.15	0.11	37	0.55	0.35
18	0.16	0.12	38	0.59	0.38
19	0.17	0.13	39	0.63	0.40
20	0.18	0.13	40	0.69	0.43
21	0.20	0.14	41	0.75	0.46
22	0.21	0.15	42	0.82	0.50
23	0.22	0.16	43	0.90	0.53
24	0.24	0.17	44	1.00	0.58
25	0.25	0.18	45	1.13	0.63
26	0.27	0.19	46	1.27	0.68
27	0.28	0.20	47	1.45	0.74
28	0.30	0.21	48	1.68	0.82
29	0.32	0.23	49	1.99	0.90
30	0.34	0.24	50	2.43	1.01
31	0.36	0.25	51	$334.00 \div (n - 1)$	1.14
32	0.39	0.26	52	$334.00 \div (n - 1)$	1.30
33	0.41	0.28	53	$334.00 \div (n - 1)$	1.50
34	0.44	0.30	54	$334.00 \div (n - 1)$	1.78
35	0.47	0.31	55	$334.00 \div (n - 1)$	2.16
			56-60	..	$293.00 \div (n-1)$

NOTE: n denotes the number of complete fortnightly contribution periods before maturity age (age 55 or age 60, as the case may be).

*Superannuation (Amendment).*SCHEDULE 9—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CONTRIBUTION PERIODS—*continued.*

(13) Schedule XVI—

Omit the Schedule, insert instead:—

SCHEDULE XVI.

(Sec. 3 (1).)

FORTNIGHTLY CONTRIBUTION PERIODS.

Column 1.	Column 2.	Column 3.
Period No.	Commencing Date.	Terminating Date.
1	1st July	14th July
2	15th July	28th July
3	29th July	11th August
4	12th August	25th August
5	26th August	8th September
6	9th September	22nd September
7	23rd September	6th October
8	7th October	20th October
9	21st October	3rd November
10	4th November	17th November
11	18th November	1st December
12	2nd December	15th December
13	16th December	29th December
14	30th December	12th January
15	13th January	26th January
16	27th January	9th February
17	10th February	23rd February
18	24th February	9th March
19	10th March	23rd March
20	24th March	6th April
21	7th April	20th April
22	21st April	4th May
23	5th May	18th May
24	19th May	1st June
25	2nd June	15th June
26	16th June	30th June

Superannuation (Amendment).

SCHEDULE 10.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 3 (1), definition of "Abandoned unit"—
Omit "12B (6) or 12C (5),".
- (b) Section 3 (1), definition of "Employing authority"—
After the definition of "Employer", insert:—
"Employing authority" means any person, body or organisation, whether or not constituted under an Act and whether or not an employer, who or which employs persons.
- (c) Section 3 (10)—
Omit "12B, 12C,".
- (2) Section 10AE—
Omit "12B or 12C,".
- (3) Sections 12B, 12C—
Omit the sections.
- (4) (a) Section 12CA (1)—
Omit "12B or 12C (2), or all of the instalments payable under section 12C (3),".
- (b) Section 12CA (1)—
Omit "any of those sections", insert instead "that section".

Superannuation (Amendment).

SCHEDULE 10—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 23A (3)—

After section 23A (2), insert:—

(3) A reference in subsection (2) to a period of service as an employee with an employer includes a reference to a period treated by the Board, as referred to in that subsection, as a period of service as an employee with an employer.

(6) (a) Section 29 (4)—

Omit “for one year only at a time”, insert instead “only for such period at a time as the Board determines”.

(b) Section 29 (4A)—

After section 29 (4), insert:—

(4A) The period determined by the Board as referred to in subsection (4) for the payment of pension to a person who—

(a) has not attained the maturity age—shall be such period (not exceeding 5 years) as the Board thinks fit, having regard to the state of health of the person; and

(b) has attained the maturity age—may be for the remainder of his life.

(7) Section 61 (3)—

After section 61 (2), insert:—

(3) The right of an employee under subsection (1)—

(a) to pay the Board the surrender value of an insurance policy;
or

Superannuation (Amendment).

SCHEDULE 10—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) to transfer an insurance policy to the Board,
ceases at the commencement of Schedule 10 (7) to the Superannua-
tion (Amendment) Act, 1983.

(8) (a) Section 61A (4)—

Omit “whose life is insured thereunder”, insert instead “who
assigned the policy to the Board”.

(b) Section 61A (5)—

Omit “person whose life is insured thereunder or to his personal
representatives to be administered as part of his estate”, insert
instead “the person entitled thereto”.

(c) Section 61A (7)—

After section 61A (6), insert:—

(7) The right of an employee or pensioner under subsection
(1) to request the Board to accept a transfer of a policy of
assurance ceases at the commencement of Schedule 10 (8) (c)
to the Superannuation (Amendment) Act, 1983.

(9) Sections 66, 67—

Omit the sections.

(10) Section 85 (2)—

At the end of section 85, insert:—

(2) The Board or a judge of the Supreme Court may, in determin-
ing a dispute, or forming an opinion, as referred to in subsection (1),
inform itself or himself of any matter in such manner as it or he thinks
fit and, in so doing, is not bound to observe rules of law relating to
evidence.

Superannuation (Amendment).

SCHEDULE 10—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(11) Section 85A—

After section 85, insert:—

Accounts and records of Board.

85A. The Board may maintain its accounts and other records in or upon any medium or combination of mediums capable of having information recorded in or upon it or them and may, from time to time, vary the manner or form in which the whole of any part of the accounts and other records are maintained.

(12) Schedule II—

Omit the Schedule.

SCHEDULE 11.

(Sec. 6.)

AMENDMENTS TO THE SUPERANNUATION (AMENDMENT) ACT, 1970.

(1) Section 2 (4)—

Omit “subsection five of this section”, insert instead “subsections (4A) and (5)”.

(2) Section 2 (4A)—

After section 2 (4), insert:—

(4A) A pension payable under the Principal Act is not increased as referred to in subsection (4) unless the person to whom the pension is payable is—

- (a) a person to whom this section applied immediately before the commencement of Schedule 11 to the Superannuation (Amendment) Act, 1983; or

Superannuation (Amendment).

SCHEDULE 11—*continued.*

AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1970—*continued.*

- (b) a person to whom pension is payable under section 30 or 31 of the Principal Act by reason of his having been the spouse of a person referred to in paragraph (a).

SCHEDULE 12.

(Sec. 7.)

AMENDMENT TO THE SUPERANNUATION (AMENDMENT) ACT, 1971.

Section 2 (5)—

Omit the subsection.

SCHEDULE 13.

(Sec. 8.)

AMENDMENT TO THE SUPERANNUATION (AMENDMENT) ACT, 1974.

Section 7—

Omit the section.
