

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 30 March, 1944.*

## New South Wales.



ANNO OCTAVO

## GEORGII VI REGIS.

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Act No. , 1944.

An Act to provide for the resumption by certain employers of payment of contributions under the Superannuation Act, 1916, as amended by subsequent Acts, in respect of certain units of pension; to make further provision in relation to the repayment by the State Superannuation Board of certain moneys paid to it as employers' contributions; for these and other purposes to amend the Superannuation Act, 1916, the Superannuation (Amendment) Act, 1930, the Finances Adjustment (Further Provisions) Act, 1933, and certain other Acts; to validate certain matters; and for purposes connected therewith.



*Superannuation (Amendment).*

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
5 the same, as follows :—

**1.** (1) This Act may be cited as the “Superannuation  
(Amendment) Act, 1944.” Short title  
and citation.

(2) The Superannuation Act, 1916, as amended by  
subsequent Acts, is in this Act referred to as the Principal  
10 Act.

(3) The Superannuation Act, 1916, as amended by  
subsequent Acts and by this Act, may be cited as the  
Superannuation Act, 1916-1944.

**2.** (1) The Superannuation (Amendment) Act, 1930,  
15 as amended by subsequent Acts, is amended by inserting  
next after section two the following new sections :— Amendment  
of Act  
No. 31, 1930.

2A. On and after the first day of July, one thousand  
nine hundred and forty-four— New ss. 2A,  
2B.  
Resumption  
of payment  
of contribu-  
tions by  
certain  
employers.

(a) the employers referred to in subsection one  
20 of section two of this Act shall contribute to  
the fund in accordance with the provisions  
of section sixteen of the Principal Act with  
respect to—

(i) any additional unit of pension of  
25 an employee who was a contributor  
before that date where the contri-  
butions for such additional units  
commence after that date;

(ii) all units of pension of an employee  
30 who was not a contributor before  
that date where the contributions  
for such units commence after that  
date;

(b) paragraph (a) of subsection one of section  
35 two of this Act shall not be construed as  
imposing an obligation on the employer to  
make



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5 make any payment in accordance with that paragraph in respect of payments made from the fund for units of pension for which a contribution is paid pursuant to paragraph (a) of this section.

2B. (1) The Colonial Treasurer shall, in accordance with this section, pay to the State Superannuation Fund the sum of three million eight hundred and thirty-two thousand pounds. Additional payments by Colonial Treasurer.

10 Such sum shall be paid out of moneys appropriated by Parliament for the purpose.

15 (2) The sum specified in subsection one of this section shall be paid in instalments at such times and of such amounts as Parliament may provide, but not less than eighty thousand pounds shall be so appropriated in each financial year.

20 (3) The first instalment shall be paid in the financial year which commenced on the first day of July, one thousand nine hundred and forty-three, and instalments shall be paid in each year thereafter until the sum specified in subsection one of this section has been paid.

25 (4) The instalments paid under this section shall be in addition to any amounts payable by way of contribution in pursuance of section 2A of this Act, and, subject to subsection five of this section, shall be in addition also to any payments made by the Government of New South Wales under section two of this Act.

30 (5) The sum or any instalment or instalments of that sum so paid, together with interest earned thereon, shall be applied in reduction of the liability under section two of this Act of the Government of New South Wales in such manner and to such extent  
35 as may be agreed upon between the State Superannuation Board and the Colonial Treasurer.

(2)



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(2) The Finances Adjustment (Further Provisions) Act, 1933, as amended by subsequent Acts, is amended—

Amendment  
of Act  
No. 19, 1933.

(a) by inserting next after subsection three of section nine the following new subsection:—

Sec. 9.

(Repayment  
of certain  
amounts by  
Superannua-  
tion Board.)

5 (3A) So much of the amount specified in sub-  
section two of this section as had not been repaid  
on the first day of July, one thousand nine hun-  
dred and forty-three, shall, notwithstanding any  
10 other provision of this section, be repaid, with  
interest at the rate of three and one-half per  
centum per annum on the balance from time to  
time unpaid, in the manner following, that is to  
say—

15 As to ten fifty-fifths—not later than the  
thirtieth day of June, one thousand nine  
hundred and forty-four, which instal-  
ment shall include all instalments paid  
pursuant to subsection three of this  
section after the thirtieth day of June,  
20 one thousand nine hundred and forty-  
three, and before the commencement of  
the Superannuation (Amendment) Act,  
1944;

25 As to nine fifty-fifths—by twelve equal  
monthly instalments during the year  
ending the thirtieth day of June, one  
thousand nine hundred and forty-five;

30 As to eight fifty-fifths—by twelve equal  
monthly instalments during the year  
ending the thirtieth day of June, one  
thousand nine hundred and forty-six;

35 As to seven fifty-fifths—by twelve equal  
monthly instalments during the year  
ending the thirtieth day of June, one  
thousand nine hundred and forty-seven;

As to six fifty-fifths—by twelve equal  
monthly instalments during the year  
ending the thirtieth day of June, one  
thousand nine hundred and forty-eight;

As



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- As to five fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-nine;
- 5 As to four fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty;
- 10 As to three fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-one;
- 15 As to two fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-two;
- 20 As to one fifty-fifth—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-three.

(b) by inserting in subsection four of the same section after the word “three” the words “or subsection (3A).”

**3. The Principal Act is amended—**

- 25 (a) by inserting at the end of section three the following new subsection:—

Amendment  
of Act No. 25,  
1916.  
Sec. 3.  
(Interpreta-  
tion.)

- (2) (a) Notwithstanding anything in the definition of “employee” a person appointed as a professor of the University of Sydney who, at the date of his appointment as such, was a contributor, and who, after such appointment, in addition to such professorship, continues in the employment of an employer in some other capacity, shall be deemed to be an employee for the purposes of this Act and shall, subject to this subsection, continue to be a contributor.
- 30
- 35

(b)



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(b) This subsection shall apply to and in respect of any such person appointed as a professor before as well as after the commencement of the Superannuation (Amendment) Act, 1944.

(c) Any such person appointed as a professor before such commencement shall cease to be a contributor unless, within three months after such commencement, he satisfies the Board that he is no longer a party to any scheme or arrangement to which the University of Sydney is also a party, under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

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

(b) (i) by inserting in subsection two of section eleven after the words "employment of" the words "the same or";

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

(ii) by omitting from the same subsection the words "of the commencement of his employment by such other employer" and by inserting in lieu thereof the words "of such subsequent entry into employment."

4. (1) The Principal Act is further amended—

(a) by inserting next after section eleven the following new section:—

Further  
amendment  
of Act No. 28,  
1916.  
New sec.  
11A.

11A. (1) Notwithstanding anything contained in this or any other Act every employee shall either

Medical  
examination.



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either before or as soon as practicable after the commencement of his employment submit himself to medical examination by the Chief Medical Officer of the Government.

5 (2) Where the report of the Chief Medical Officer indicates such employee 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 for a reasonable time the Board may refuse to accept such employee as a contributor.

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(3) Where the Board refuses to accept an employee as a contributor it shall forthwith notify such employee and his employer.

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(4) Any contributions paid by or in respect of such employee after the commencement of his employment and before such notification is given shall be refunded.

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(5) This section shall apply to and in respect of—

(a) any person who becomes an employee after the commencement of the Superannuation (Amendment) Act, 1944; and

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(b) any person who has ceased to be employed by an employer either before or after the commencement of the Superannuation (Amendment) Act, 1944, and who, after such commencement, enters the employment of the same or any other employer.

30

(b) (i) by omitting from the scale set out in section twelve the symbols, figures and words  
 “ „ 131 to 156 „ . . . Two and a half units, or 65”;  
 (Scale of units of pension.)

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(ii)



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(ii) by omitting from the same scale the figures "157" and by inserting in lieu thereof the figures "131";

5 (c) by omitting paragraph (b) of the proviso to the same section and by inserting in lieu thereof the following paragraph:—

10 (b) (i) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, he may elect not to contribute for one or more of the additional units of pension for which, but for this paragraph, he would be required to contribute by reason of such increase of salary.

15

20 The unit or units for which an employee elects not to contribute are, in this paragraph, referred to as "abandoned units."

25 (ii) Where an employee has elected, pursuant to subparagraph (i) of this paragraph, or has, under the paragraph which this paragraph replaces, abandoned any unit or units of pension (in this paragraph referred to as "abandoned units"), and thereafter his salary is further increased to another higher salary group as set out in the scale in this section—

30

35 (a) he shall, unless he makes an election under subparagraph (i) of this paragraph in consequence of such further increase in salary, be required

to



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to contribute for the number of units appropriate to his then rate of salary less any abandoned units; or

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(b) he may elect to contribute for one or more of the abandoned units, in addition to any additional units for which he is required to contribute by virtue of such further increase in salary.

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Any election under paragraph (b) of this subparagraph shall become effective only when the same has been approved by the Board, but any contributions in respect of any such unit of pension shall be payable as from the first day of the month or of the four-weekly contribution period, as the case may be, in which the increased rate of salary is actually paid. The Board may require any employee who makes such election to furnish evidence as to the state of his health and may refuse its approval if evidence is not so furnished or if, from the evidence furnished, the Board is satisfied that the employee is not in good health.

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(iii) Any election under subparagraph (i) or subparagraph (ii) of this paragraph shall be in writing and shall be forwarded to the Board within a period of three months after the date upon which salary at the increased rate is actually paid,



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

Any such election shall be void unless made in the manner and within the period or extended period referred to in this subparagraph.

- (iv) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, and the amount of such increase is less than the amount which would be required to meet contributions for any additional unit of pension consequent upon such increase in salary, the Board may, notwithstanding subparagraph (i) of this paragraph, allow him to contribute for the number of units of pension for which he was contributing immediately before such increase, but, when the amount of such increase, together with any subsequent increase of salary, is equal to or exceeds the amount required to meet contributions for such additional unit of pension, the provisions of subparagraphs (i) to (iii), both inclusive, of this paragraph shall apply to and in respect of such employee.

- (d) by inserting in paragraph (h) of the same proviso after the word "month" the words "or of the four-weekly contribution period, as the case may be";

(e).



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(e) by inserting next after the same paragraph the following new paragraph:—

5 (h1) Where a person in the service of an employer becomes an employee, contributions by or in respect of such employee shall take effect from the first day of the month or of the four-weekly contribution period, as the case may be, in which he is first paid as such employee.

10

(2) The amendments made by paragraph (b) of subsection one of this section shall not be construed as requiring or authorising any person who, at the commencement of this Act, was contributing for two and one-half units of pension to contribute for three units of pension unless and until his salary is increased to an amount of one hundred and fifty-seven pounds per annum, or more.

15

5. The Principal Act is further amended—

20 (a) (i) by inserting next after subsection one of section fifteen the following new subsection:—

Further amendment of Act No. 28, 1916. Sec. 15. (Tables of contributions.)

25 (1A) Until other tables of contributions are prescribed as hereinafter provided the tables of contributions for men and women according to the ages set out in Schedule IV shall be in force and shall apply to both employers and employees.

30 Contributions in accordance with the tables set out in such Schedule shall be made in respect of—

(a) additional units of pension the contributions for which commence on

or



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5 or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who were contributors before that date;

10 (b) all units of pension the contributions for which commence on or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who become contributors after that date.

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

15 The tables of contributions so prescribed may—

(a) be in substitution for the tables set out in Schedule I or Schedule IV;

20 (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 the date so proclaimed or in respect of which contributions commence on or after the date so proclaimed (whether such contributions are paid by or in respect of employees who were contributors before or who become contributors after the date so proclaimed);

30 (c) in respect of employees who become contributors after the commencement of the Superannuation (Amendment) Act, 1944, make different provisions for different classes of employees.

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(b)



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(b) by inserting next after Schedule III the following new Schedule:—

New  
Schedule  
IV.  
Sec. 15.

## SCHEDULE IV.

## TABLE A.

5

## MEN.

*Contributions by Employees—Payable Four-weekly.*

Retirement at Sixty.

10	Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.	Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.
15	16	£ s. d.	£ s. d.	16	40	£ s. d.	£ s. d.	40
	17	0 5 2	0 4 10	17	41	0 18 4	0 17 6	41
	18	0 5 6	0 5 2	18	42	0 19 6	0 18 8	42
	19	0 5 10	0 5 4	19	43	1 0 10	1 0 0	43
		0 6 2	0 5 8		44	1 2 4	1 1 6	44
						1 4 0	1 3 2	
20	20	0 6 6	0 6 0	20	45	1 5 10	1 5 0	45
	21	0 6 10	0 6 4	21	46	1 8 0	1 7 2	46
	22	0 7 2	0 6 8	22	47	1 10 6	1 9 8	47
	23	0 7 6	0 7 0	23	48	1 13 6	1 12 6	48
	24	0 7 10	0 7 4	24	49	1 17 0	1 16 0	49
25	25	0 8 2	0 7 8	25	50	2 1 2	2 0 2	50
	26	0 8 6	0 8 0	26	51	2 6 4	2 5 4	51
	27	0 9 0	0 8 6	27	52	2 12 10	2 11 8	52
	28	0 9 6	0 9 0	28	53	3 1 0	2 19 10	53
	29	0 10 0	0 9 6	29	54	3 12 0	3 10 8	54
30	30	0 10 8	0 10 0	30	55	4 7 6	4 6 0	55
	31	0 11 2	0 10 6	31	56	5 10 6	5 8 10	56
	32	0 11 10	0 11 0	32	57	7 8 8	7 6 8	57
	33	0 12 6	0 11 8	33	58	11 5 8	11 2 8	58
	34	0 13 2	0 12 4	34	59	22 16 2	22 10 2	59
35	35	0 13 10	0 13 0	35				
	36	0 14 6	0 13 8	36	60	£298 ÷ n*	£294 ÷ n*	60
	37	0 15 4	0 14 6	37				
	38	0 16 2	0 15 4	38				
	39	0 17 2	0 16 4	39				

40 \* n Denotes the number of complete four-weekly contributions payable before attainment of age 60.

TABLE



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TABLE B.

**WOMEN.***Contributions by Employees for each £52 per annum—Payable Four-weekly.*

5	Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.	Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.
		£ s. d.	£ s. d.			£ s. d.	£ s. d.	
	16	0 5 8	0 4 2	16	40	1 7 6	0 17 2	40
	17	0 6 0	0 4 6	17	41	1 10 0	0 18 4	41
10	18	0 6 6	0 4 8	18	42	1 12 10	0 19 10	42
	19	0 6 10	0 5 0	19	43	1 16 2	1 1 4	43
					44	2 0 2	1 3 0	44
	20	0 7 4	0 5 4	20				
	21	0 7 10	0 5 8	21	45	2 5 0	1 5 0	45
	22	0 8 4	0 6 0	22	46	2 10 8	1 7 2	46
15	23	0 8 10	0 6 4	23	47	2 18 0	1 9 8	47
	24	0 9 6	0 6 10	24	48	3 7 4	1 12 8	48
					49	3 19 8	1 16 2	49
	25	0 10 2	0 7 2	25				
	26	0 10 8	0 7 8	26	50	4 17 0	2 0 4	50
	27	0 11 4	0 8 0	27	51	6 3 2	2 5 6	51
20	28	0 12 0	0 8 6	28	52	8 6 6	2 12 0	52
	29	0 12 10	0 9 0	29	53	12 13 4	3 0 2	53
					54	25 14 0	3 11 2	54
	30	0 13 8	0 9 6	30				
	31	0 14 6	0 10 0	31	55	£334 ÷ n*	4 6 6	55
	32	0 15 6	0 10 6	32	56	.....	5 9 8	56
25	33	0 16 6	0 11 2	33	57	.....	7 8 0	57
	34	0 17 8	0 11 10	34	58	.....	11 4 10	58
					59	.....	22 14 8	59
	35	0 18 10	0 12 6	35				
	36	1 0 4	0 13 4	36	60	.....	£293 ÷ n*	60
	37	1 1 10	0 14 2	37				
30	38	1 3 6	0 15 0	38				
	39	1 5 4	0 16 0	39				

\* n Denotes the number of complete four-weekly contributions payable before attainment of the maturity age (55 or 60, as the case may be).



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**6. (1)** The Principal Act is further amended—Further  
amendment of  
Act No. 28,  
1916.

- (a) by omitting subsections three and four of section sixteen and by inserting in lieu thereof the following subsections:—

Sec. 16.  
(Contribu-  
tions by  
employers.)

5           (3) Where an employee over fifty-nine years  
of age becomes a contributor or a contributor  
over fifty-nine years of age elects or becomes  
entitled to contribute for an additional unit of  
pension, an amount equal to the contributions  
10 payable in accordance with the tables of contri-  
butions prescribed by or under this Act, and  
applicable to such employee or contributor, for  
a period of one year shall be paid by the con-  
tributor and by his employer.

15           (4) Where a woman employee over fifty-four  
years of age becomes a contributor or a woman  
contributor over fifty-four years of age elects  
or becomes entitled to contribute for an addi-  
20 tional unit of pension, and in either such case  
elects or has elected to contribute at the rate for  
retirement at age fifty-five, an amount equal to  
the contributions payable in accordance with the  
tables of contributions prescribed by or under  
this Act, and applicable to such employee or  
25 contributor, for a period of one year shall be  
paid by the contributor and by her employer.

- (b) by omitting section nineteen and by inserting in  
lieu thereof the following section:—

Subst.  
sec. 19.

30           19. (1) In respect of any contributor who is  
on leave of absence, whether without pay or not,  
his contributions shall be paid during such leave  
of absence as for a period of service and shall  
become due on or before the last day of each  
month or four-weekly contribution period.

Employees  
on leave of  
absence.

35           (2) Any contribution unpaid on the due  
date shall bear interest at the rate of three and  
one



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one half per centum per annum from such due date until the date of payment:

Provided that the Board may, in case of hardship, waive payment of such interest.

- 5 (3) The Board may recover the amount of any contribution due and unpaid together with interest thereon in any court of competent jurisdiction.
- 10 (c) (i) by omitting from subsection (1B) of section twenty-one the words "served for at least thirty-five years with any one or more employers" and by inserting in lieu thereof the words "been a contributor for at least ten years"; Sec. 21. (Age retirement.)
- 15 (ii) by omitting subsection three of the same section;
- 20 (d) (i) by omitting from subsection one of section twenty-two the words "who has served as an employee for at least five years with any one or more employers"; Sec. 22. (Breakdown retirement.)
- (ii) by inserting next after the same subsection the following new subsection:—
- 25 (1A) Where an employee becomes an invalid or becomes physically or mentally incapable of performing his duties within a period of five years from the date upon which he became a contributor, the Board may refuse to pay pension where such invalidity or incapacity is due to causes existing at or before the date upon which the employee became a contributor.
- 30 (iii) by inserting in subsection two of the same section after the word "contributor" the words "or is or is not due to causes existing at or before the date upon which the employee became a contributor";
- 35 (e) by omitting from section twenty-three the word "or" where firstly occurring and by inserting in lieu thereof the word "and"; Sec. 23. (Retrenchment and discharge.)

(f)



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- (f) by inserting next after section twenty-three the following new section:—

New sec.  
23A.

23A. Any person who was by the terms of his employment required to give his whole time to the duties of his employment and who prior to becoming a contributor was paid at an hourly, daily, weekly, or fortnightly rate, or by piecework, shall be entitled to have his employment at such hourly, daily, weekly, or fortnightly rate, or at piecework, counted as service for the purposes of sections twenty-one and twenty-three of this Act.

Computation  
of service  
for purposes  
of secs. 21  
and 23.

- (g) by omitting subsection two of section twenty-seven;

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

- (h) by omitting subsection two of section twenty-eight;

Sec. 28.  
(Pension of  
woman retiring  
before 60.)

- (i) by inserting next after section twenty-eight the following new section:—

New sec. 28A.

28A. On the retirement of a contributor who being a man elects under subsection (1B) of section twenty-one of this Act to retire upon or after reaching the age of fifty-five years, or who, being a woman, has contributed for at least ten years at the rate prescribed for retirement at the age of sixty years, the pension to which such contributor is entitled shall be determined according to the number of units for which such contributor contributed at the time of his retirement, but in such case the value of the unit of pension shall be in accordance with the following provisions:—

Pension on  
retirement  
before 60.

	Age				Value of Unit		
	last birthday.				of Pension.		
					£	s.	d.
	55	..	..	..	15	10	0
	56	..	..	..	16	16	0
	57	..	..	..	18	10	0
	58	..	..	..	20	12	0
	59	..	..	..	23	2	0
	60	..	..	..	26	0	0

45—B

To



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5 To the appropriate value of a unit of pension specified in the above table there shall be added, for each day which has elapsed since the last birthday of the contributor up to and including the day of retirement, one three hundred and sixty-fifth part of the difference between the value of the unit of pension as at such last birthday and the value of the unit of pension as at the next birthday.

10 (j) (i) by omitting from subsection one of section twenty-nine the words "who has served as an employee for at least five years with any one or more employers";

Sec. 29.  
(Breakdown  
pensions.)

15 (ii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph:—

20 (b) If such invalidity or incapacity is due to his own fault he shall be entitled to such pension as is determined by the Board to be the equivalent of the contributor's rights in the fund.

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

25 (1A) Nothing in subsection one of this section shall affect the operation of subsection (1A) of section twenty-two of this Act.

30 (k) by inserting at the end of section thirty the following words:—

Sec. 30.  
(Pension to  
widow on  
death of  
employee  
in service.)

The Board may deduct, from any pension payable to the widow under this section, by instalments or in such other manner as may be agreed upon between the Board and the widow, any amounts owing to the fund by such contributor.

35 (l) by omitting from section thirty-two the word "contributor" and by inserting in lieu thereof the word "employee."

Sec. 32.  
(Women  
contribu-  
tors' death  
benefits.)

(m)



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- (m) by omitting from section 32A the word “con- Sec. 32A.  
tributor” and by inserting in lieu thereof the (Other  
word “employee”; death  
benefits.)
- 5 (n) (i) by omitting paragraph (b) of subsection one Sec. 37.  
of section thirty-seven and by inserting in (Retrench-  
lieu thereof the following paragraph:— ment bene-  
fits.)
- (b) such pension as is determined by  
the Board to be the equivalent of  
the contributor’s rights in the  
10 fund;
- (ii) by inserting at the end of subsection three  
of the same section the following new para-  
graph:—
- (c) He shall not be entitled to count his  
15 service prior to retrenchment as  
service for the purpose of any other  
pension or benefit under this Act;
- (iii) by inserting at the end of subsection four  
of the same section the following words:—
- 20 This subsection shall not apply to and in  
respect of any employee to whom the pro-  
visions of paragraph (c) of the proviso to  
subsection two of section eleven of this Act  
applies.
- 25 (o) (i) by inserting at the end of subsection one of Sec. 38.  
section thirty-eight the following words:— (Resigna-  
tion,  
dismissal,  
or dis-  
charge.)
- 30 There shall be deducted from the lump  
sum payable under this subsection any  
amount received by such contributor as  
pension before such resignation, dismissal  
or discharge:
- 35 Provided that such deduction shall in no  
case reduce the amount payable to the con-  
tributor under this subsection below the  
amount of contributions paid by him since  
any amount was last received by him as pen-  
sion.
- 45—C (ii)



*Superannuation (Amendment).*

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

This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

- (p) (i) by inserting in subsection one of section thirty-nine after the words "such order" the words "which has been served on it or of which written notice has been given to it";

Sec. 39.  
(Desertion of wife or child.)

- (ii) by inserting in subsection two of the same section after the words "such order" the words "made on its application or with any such order made on the application of the guardian where the same has been served on it or where written notice thereof has been given to it";

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

(3) Where a certificate has been granted under subsection one of section 13A of the Deserted Wives and Children Act, 1901, as amended by subsequent Acts, the person entitled to receive the money ordered to be paid by the order to which the certificate relates may, in lieu of filing the certificate or causing the same to be filed as provided in subsection two of that section, file the same or cause it to be filed with the Board.

Where the defendant named in such certificate is a contributor who has resigned or been dismissed or discharged from the service of an employer and who has not been paid the lump sum referred to in subsection one of section thirty-eight of this Act, the Board may pay to the person entitled as aforesaid out of such lump sum the amount



*Superannuation (Amendment).*

amount specified in the certificate or so much as does not exceed such lump sum or the unpaid balance thereof.

5 Every payment made by the Board under the authority of this subsection shall be as valid as if made to the contributor.

(q) by inserting at the end of section forty-five the following proviso:—

Sec. 45.  
(Payment of pensions.)

10 Provided that on and after a date to be appointed by the Governor and notified by proclamation published in the Gazette pensions shall be payable by twenty-six equal instalments per annum.

15 (r) (i) by omitting from section forty-six the words “actuarially determined” where firstly occurring and by inserting in lieu thereof the words “determined by the Board”;

Sec. 46.  
(Actuarial reduction of pension of widow.)

(ii) by omitting from the same section the word “actuarially” where secondly occurring.

20 (s) by inserting in section sixty-one after the words “dates of payment” the following proviso:—

Sec. 61.  
(Transfer of insurance policies to Board.)

25 Provided that the Board or the person approved by the Board pursuant to this section may at any time prior to the maturity of any policy transferred to the Board or such person upon repayment of all moneys paid by the Board for premiums thereunder with compound interest thereon at the rate of three and one-half per centum per annum from the respective dates of payment release such policy to the employee.

30

(2) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 31, 1930.

(a) by inserting next after subsection one of section two the following new subsections:—

Sec. 2.  
(Payments to fund by certain employers.)

35 (1A) Where an employer referred to in subsection one of this section is required by the provisions of that subsection to pay to the fund a sum in respect of an employee, and such employee is an employee who has been transferred

to



*Superannuation (Amendment).*

5 to the service of such employer from the service of any other employer, the sum so required to be paid shall be reduced by such amount as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

10 (1B) In respect of any pension or benefit payable to an employee who has been transferred from the service of an employer mentioned in subsection one of this section to the service of another employer, the employer mentioned in that subsection shall pay to the fund such sum as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

15 (b) by omitting subsections two and (2A) of the same section.

(3) The Superannuation (Amendment) Act, 1935, is amended by omitting section six.

Amendment of Act No. 26, 1935. (Consequential.) Validation of certain payments.

20 (4) The payment of any pension or benefit to a person whose employment at an hourly, daily, weekly or fortnightly rate or on piecework before becoming a contributor under the Principal Act has been counted as service in determining his eligibility for such pension or

25 benefit, is hereby validated.

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

Further amendment of Act No. 28, 1916.

(a) by omitting from section thirty the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

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

30 (b) by omitting from section thirty-one the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

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

35 (c) by omitting from subsection one of section thirty-three the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

Sec. 33. (Pension to orphans on death of employee or pensioner.)

(d).



*Superannuation (Amendment).*

- (d) by inserting next after section seventeen the following new section:—

New sec.  
17A.

5 17A. (1) Where a pension is payable pursuant to paragraph (b) of section thirty or paragraph (b) of section thirty-one or section thirty-three of this Act in respect of the children of a deceased contributor or pensioner or of the children of the widow or deceased wife of a deceased contributor or pensioner, the employer in whose service such contributor was employed at the date of his death or such pensioner was employed at the date of his retirement, shall pay to the fund at prescribed periods and on the requisition of the Board one-half of the amount of such pension.

Payments  
by em-  
ployers in  
respect of  
infants'  
pensions.

10 (2) Any amount payable under this section shall be in addition to any contribution or other payment which the employer may be required to make to the fund under this Act or the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts.

20 (2) The amendments made by subsection one of this section shall apply to and in respect of pensions which are payable at the commencement of this Act as well as to and in respect of pensions which become payable after such commencement; but, in the case of pensions which are payable at such commencement the increased rate shall apply only as from the first day of the month next after the date of the commencement of this Act.

30 8. The Principal Act is further amended—

Further  
amendment of  
Act No. 28,  
1916.

(a) by inserting at the end of section seventy the words "No person of or above the age of sixty-five years shall be eligible for appointment as president or member of the Board."

Sec. 70.  
(Constitu-  
tion of  
Board.)

35 (b) by inserting at the end of section seventy-five the following new subsection:—

Sec. 75.  
(Vacation  
of office.)

(2) A member of the Board (including the president) shall be deemed to have vacated his office

office



*Superannuation (Amendment).*

office on the day upon which he attains the age of sixty-five years.

9. The Principal Act is further amended—

- 5 (a) by inserting next after section seventy-five the following new section:—
- 75A. No act or proceeding of the Board (whether before or after the commencement of the Superannuation (Amendment) Act, 1944) shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member of the Board.
- 10 (b) by inserting in section eighty after the words “common seal” the words “and power to sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property; and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer”;
- 15 (c) by inserting in section 84A after the words “he may” the words “within a period of six months from the date of payment of such gratuity”;
- 20 (d) by inserting in section eighty-five after the word “may” where secondly occurring the words “within a period of six months from the date of such decision”;
- 25 (e) by inserting next after section eighty-nine the following new section:—
- 89A. For the purposes of this Act the Board may require such evidence of the age, marriage, or death of any person as it deems necessary and in default of the production of such evidence the Board may itself obtain such evidence and deduct

Further amendment of Act No. 28, 1916.  
New sec. 75A.

Validity of acts and proceedings.

Sec. 80.  
(Corporate body.)

Sec. 84A.  
(Time limit for appeals as to gratuities under Civil Service Act and Public Service Acts.)

Sec. 85.  
(Settlement of disputes.)

New sec. 89A.

Evidence as to age, marriage or death.



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*Superannuation (Amendment).*

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deduct the expenses incurred in obtaining the same from any moneys payable from the fund to the person from whom such evidence is required.

- 5 (f) by omitting section ninety-four and by inserting in lieu thereof the following section:— Subst. sec. 94.

- 10 94. A person to whom a superannuation allowance under any Acts relating to the Public Service (including a pension under this Act) is payable shall not be deemed to be entitled to be paid such allowance or any part thereof in respect of any period in excess of three months in any year, during which he is employed in the service of the State, unless the Governor otherwise authorises by proclamation published in the Gazette: Person entitled to pension subsequently employed in Public Service.
- 15

- 20 Provided that nothing in this section contained shall apply where such superannuation allowance is a pension payable under section thirty, section thirty-one, or section thirty-seven of this Act.

- 25 Any proclamation issued under the section which this section replaces and in force at the commencement of the Superannuation (Amendment) Act, 1944, shall be deemed to have been issued under this section.



Supplementary (Amendment)

dated the expense incurred in obtaining the same from any source payable from the fund to the person from whom such expense is so paid.

(1) In addition to the fund for the purpose of the Act, a person to whom a grant of a license or other authority is made under the Act shall be deemed to be entitled to the same.

Notwithstanding anything to the contrary in any law or in any contract or agreement in force at the time of the making of the grant of a license or other authority, the person to whom such grant is made shall be deemed to be entitled to the same.

In any year during which no license or other authority is granted under the Act, the person to whom such grant is made shall be deemed to be entitled to the same.

Provided that nothing in this section shall be deemed to apply to any person who is not a citizen of the United States.

The provisions of this section shall apply to any person who is not a citizen of the United States and who is not a resident of the United States.



No. , 1944.

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## A BILL

To provide for the resumption by certain employers of payment of contributions under the Superannuation Act, 1916, as amended by subsequent Acts, in respect of certain units of pension; to make further provision in relation to the repayment by the State Superannuation Board of certain moneys paid to it as employers' contributions; for these and other purposes to amend the Superannuation Act, 1916, the Superannuation (Amendment) Act, 1930, the Finances Adjustment (Further Provisions) Act, 1933, and certain other Acts; to validate certain matters; and for purposes connected therewith.

[MR. MCKELL;—7 *March*, 1944.]

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*Superannuation (Amendment).*

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

**1.** (1) This Act may be cited as the "Superannuation  
(Amendment) Act, 1944." Short title  
and citation.

(2) The Superannuation Act, 1916, as amended by  
subsequent Acts, is in this Act referred to as the Principal  
10 Act.

(3) The Superannuation Act, 1916, as amended by  
subsequent Acts and by this Act, may be cited as the  
Superannuation Act, 1916-1944.

**2.** (1) The Superannuation (Amendment) Act, 1930,  
15 as amended by subsequent Acts, is amended by inserting  
next after section two the following new section:— Amendment  
of Act  
No. 31, 1930.  
New sec. 2A.

2A. On and after the first day of July, one thousand  
nine hundred and forty-four— Resumption  
of payment  
of contribu-  
tions by  
certain  
employers.

(a) the employers referred to in subsection one  
20 of section two of this Act shall contribute to  
the fund in accordance with the provisions  
of section sixteen of the Principal Act with  
respect to—

(i) any additional unit of pension of  
25 an employee who was a contributor  
before that date where the contri-  
butions for such additional units  
commence after that date;

(ii) all units of pension of an employee  
30 who was not a contributor before  
that date where the contributions  
for such units commence after that  
date;

(b) paragraph (a) of subsection one of section  
35 two of this Act shall not be construed as  
imposing an obligation on the employer to  
make any payment in accordance with that  
paragraph in respect of payments made  
from



*Superannuation (Amendment).*

from the fund for units of pension for which a contribution is paid pursuant to paragraph (a) of this section.

(2) The Finances Adjustment (Further Provisions) Act, 1933, as amended by subsequent Acts, is amended—

Amendment  
of Act  
No. 19, 1933.

(a) by inserting next after subsection three of section nine the following new subsection:—

Sec. 9.  
(Repayment  
of certain  
amounts by  
Superannua-  
tion Board.)

(3A) So much of the amount specified in subsection two of this section as had not been repaid on the first day of July, one thousand nine hundred and forty-three, shall, notwithstanding any other provision of this section, be repaid, with interest at the rate of three and one-half per centum per annum on the balance from time to time unpaid, in the manner following, that is to say—

As to ten fifty-fifths—not later than the thirtieth day of June, one thousand nine hundred and forty-four, which instalment shall include all instalments paid pursuant to subsection three of this section after the thirtieth day of June, one thousand nine hundred and forty-three, and before the commencement of the Superannuation (Amendment) Act, 1944;

As to nine fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-five;

As to eight fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-six;

As to seven fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-seven;

As



*Superannuation (Amendment).*

- As to six fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-eight;
- 5 As to five fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-nine;
- 10 As to four fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty;
- 15 As to three fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-one;
- 20 As to two fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-two;
- As to one fifty-fifth—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-three.
- 25 (b) by inserting in subsection four of the same section after the word “three” the words “or subsection (3A).”

**3.** The Principal Act is amended—

- 30 (a) by inserting at the end of section three the following new subsection:—
- (2) (a) Notwithstanding anything in the definition of “employee” a person appointed as a professor of the University of Sydney who, at the date of his appointment as such, was a contributor, and who, after such appointment, in addition to such professorship, continues in the employment of an employer in some other capacity, shall be deemed to be an employee for the purposes

Amendment  
of Act No. 28,  
1916.  
Sec. 3.  
(Interpreta-  
tion.)



*Superannuation (Amendment).*

purposes of this Act and shall, subject to this subsection, continue to be a contributor.

5 (b) This subsection shall apply to and in respect of any such person appointed as a professor before as well as after the commencement of the Superannuation (Amendment) Act, 1944.

10 (c) Any such person appointed as a professor before such commencement shall cease to be a contributor unless, within three months after such commencement, he satisfies the Board that he is no longer a party to any scheme or arrangement to which the University of Sydney is also a party, under which he is or may become  
15 entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

(d) Any such person appointed as a professor after such commencement shall cease to be a contributor if, after such appointment, he becomes or continues to be a party to any scheme or arrangement to which the University of Sydney is also a party, under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement from his  
20 professorship.

(b) (i) by inserting in subsection two of section eleven after the words "employment of" the words "the same or";  
25 (ii) by omitting from the same subsection the words "of the commencement of his employment by such other employer" and by inserting in lieu thereof the words "of such subsequent entry into employment."  
30

35 4. (1) The Principal Act is further amended—

(a) by inserting next after section eleven the following new section:—

11A. (1) Notwithstanding anything contained in this or any other Act every employee shall either

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

Further amendment of Act No. 28, 1916.  
New sec. 11A.

Medical examination.



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*Superannuation (Amendment).*

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either before or as soon as practicable after the commencement of his employment submit himself to medical examination by the Chief Medical Officer of the Government.

5 (2) Where the report of the Chief Medical Officer indicates such employee 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 for a  
10 reasonable time the Board may refuse to accept such employee as a contributor.

(3) Where the Board refuses to accept an employee as a contributor it shall forthwith notify such employee and his employer.

15 (4) Any contributions paid by or in respect of such employee after the commencement of his employment and before such notification is given shall be refunded.

20 (5) This section shall apply to and in respect of—

(a) any person who becomes an employee after the commencement of the Superannuation (Amendment) Act, 1944; and

25 (b) any person who has ceased to be employed by an employer either before or after the commencement of the Superannuation (Amendment) Act, 1944, and who, after such commencement,  
30 enters the employment of the same or any other employer.

(b) (i) by omitting from the scale set out in section Sec. 12.  
twelve the symbols, figures and words (Scale of  
“ „ 131 to 156 „ ... Two and a half units of  
35 units, or 65”; pension.)

(ii)



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*Superannuation (Amendment).*

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(ii) by omitting from the same scale the figures "157" and by inserting in lieu thereof the figures "131";

5 (c) by omitting paragraph (b) of the proviso to the same section and by inserting in lieu thereof the following paragraph:—

10 (b) (i) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, he may elect not to contribute for one or more of the additional units of pension for which, but for this paragraph, he would be required to contribute by reason of such increase of salary.

15

20 The unit or units for which an employee elects not to contribute are, in this paragraph, referred to as "abandoned units."

25 (ii) Where an employee has elected, pursuant to subparagraph (i) of this paragraph, or has, under the paragraph which this paragraph replaces, abandoned any unit or units of pension (in this paragraph referred to as "abandoned units"), and thereafter his salary is further increased to another higher salary group as set out in the scale in this section—

30

35 (a) he shall, unless he makes an election under subparagraph (i) of this paragraph in consequence of such further increase in salary, be required to



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*Superannuation (Amendment).*

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to contribute for the number of units appropriate to his then rate of salary less any abandoned units; or

- 5 (b) he may elect to contribute for one or more of the abandoned units, in addition to any additional units for which he is required to contribute by virtue of such
- 10 further increase in salary.

Any election under paragraph (b) of this subparagraph shall become effective only when the same has been approved by the Board, but any contributions in respect of any such unit of pension shall be payable as from the first day of the month or of the four-weekly contribution period, as the case may be, in which the increased rate of salary is actually paid. The Board may require any employee who makes such election to furnish evidence as to the state of his health and may refuse its approval if evidence is not so furnished or if, from the evidence furnished, the Board is satisfied that the employee is not in good health.

15

20

25

30

- (iii) Any election under subparagraph (i) or subparagraph (ii) of this paragraph shall be in writing and shall be forwarded to the Board within a period of three months after the date upon which salary at the increased rate is actually
- 35
- paid,



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*Superannuation (Amendment).*

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

5 Any such election shall be void unless made in the manner and within the period or extended period referred to in this subparagraph.

10 (iv) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, and the amount of  
15 such increase is less than the amount which would be required to meet contributions for any additional unit of pension consequent upon such increase in salary, the  
20 Board may, notwithstanding subparagraph (i) of this paragraph, allow him to contribute for the number of units of pension for which he was contributing immediately before such increase, but,  
25 when the amount of such increase, together with any subsequent increase of salary, is equal to or exceeds the amount required to meet contributions for such additional unit of pension, the provisions of subparagraphs (i) to (iii), both inclusive, of this paragraph shall apply to and in respect of  
30 such employee.  
35

(d) by inserting in paragraph (h) of the same proviso after the word "month" the words "or of the four-weekly contribution period, as the case may be";

(e)



*Superannuation (Amendment).*

(e) by inserting next after the same paragraph the following new paragraph:—

5 (h1) Where a person in the service of an employer becomes an employee, contributions by or in respect of such employee shall take effect from the first day of the month or of the four-weekly contribution period, as the case may be, in which he is first paid as such employee.

10

(2) The amendments made by paragraph (b) of subsection one of this section shall not be construed as requiring or authorising any person who, at the commencement of this Act, was contributing for two and one-half units of pension to contribute for three units of pension unless and until his salary is increased to an amount of one hundred and fifty-seven pounds per annum, or more.

15

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

20 (a) (i) by inserting next after subsection one of section fifteen the following new subsection:—

Further amendment of Act No. 28, 1916.  
Sec. 15.  
(Tables of contributions.)

25 (1A) Until other tables of contributions are prescribed as hereinafter provided the tables of contributions for men and women according to the ages set out in Schedule IV shall be in force and shall apply to both employers and employees.

30 Contributions in accordance with the tables set out in such Schedule shall be made in respect of—

(a) additional units of pension the contributions for which commence on

or



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*Superannuation (Amendment).*

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5

or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who were contributors before that date;

10

(b) all units of pension the contributions for which commence on or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who become contributors after that date.

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

15

The tables of contributions so prescribed may—

20

(a) be in substitution for the tables set out in Schedule I or Schedule IV;

25

(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 the date so proclaimed or in respect of which contributions commence on or after the date so proclaimed (whether such contributions are paid by or in respect of employees who were contributors before or who become contributors after the date so proclaimed);

30

35

(c) in respect of employees who become contributors after the commencement of the Superannuation (Amendment) Act, 1944, make different provisions for different classes of employees.

(b).



*Superannuation (Amendment).*

(b) by inserting next after Schedule III the following new Schedule:—

New  
Schedule  
IV.

Sec. 15.

## SCHEDULE IV.

## TABLE A.

## MEN.

5

*Contributions by Employees—Payable Four-weekly.*

*Retirement at Sixty.*

Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.	Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.
10							
15	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 5 2	0 4 10	16	40	0 18 4	0 17 6	40
17	0 5 6	0 5 2	17	41	0 19 6	0 18 8	41
18	0 5 10	0 5 4	18	42	1 0 10	1 0 0	42
19	0 6 2	0 5 8	19	43	1 2 4	1 1 6	43
				44	1 4 0	1 3 2	44
20	0 6 6	0 6 0	20				
21	0 6 10	0 6 4	21	45	1 5 10	1 5 0	45
22	0 7 2	0 6 8	22	46	1 8 0	1 7 2	46
23	0 7 6	0 7 0	23	47	1 10 6	1 9 8	47
24	0 7 10	0 7 4	24	48	1 13 6	1 12 6	48
				49	1 17 0	1 16 0	49
25	0 8 2	0 7 8	25				
26	0 8 6	0 8 0	26	50	2 1 2	2 0 2	50
27	0 9 0	0 8 6	27	51	2 6 4	2 5 4	51
28	0 9 6	0 9 0	28	52	2 12 10	2 11 8	52
29	0 10 0	0 9 6	29	53	3 1 0	2 19 10	53
				54	3 12 0	3 10 8	54
30	0 10 8	0 10 0	30				
31	0 11 2	0 10 6	31	55	4 7 6	4 6 0	55
32	0 11 10	0 11 0	32	56	5 10 6	5 8 10	56
33	0 12 6	0 11 8	33	57	7 8 8	7 6 8	57
34	0 13 2	0 12 4	34	58	11 5 8	11 2 8	58
				59	22 16 2	22 10 2	59
35	0 13 10	0 13 0	35				
36	0 14 6	0 13 8	36	60	£298 ÷ $n^*$	£294 ÷ $n^*$	60
37	0 15 4	0 14 6	37				
38	0 16 2	0 15 4	38				
39	0 17 2	0 16 4	39				

40 \*  $n$  Denotes the number of complete four-weekly contributions payable before attainment of age 60.

TABLE



*Superannuation (Amendment).*

TABLE B.

**WOMEN.**

*Contributions by Employees for each £52 per annum—Payable  
Four-weekly.*

5	Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.	Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.
		£ s. d.	£ s. d.			£ s. d.	£ s. d.	
	16	0 5 8	0 4 2	16	40	1 7 6	0 17 2	40
	17	0 6 0	0 4 6	17	41	1 10 0	0 18 4	41
10	18	0 6 6	0 4 8	18	42	1 12 10	0 19 10	42
	19	0 6 10	0 5 0	19	43	1 16 2	1 1 4	43
					44	2 0 2	1 3 0	44
	20	0 7 4	0 5 4	20				
	21	0 7 10	0 5 8	21	45	2 5 0	1 5 0	45
	22	0 8 4	0 6 0	22	46	2 10 8	1 7 2	46
15	23	0 8 10	0 6 4	23	47	2 18 0	1 9 8	47
	24	0 9 6	0 6 10	24	48	3 7 4	1 12 8	48
					49	3 19 8	1 16 2	49
	25	0 10 2	0 7 2	25				
	26	0 10 8	0 7 8	26	50	4 17 0	2 0 4	50
	27	0 11 4	0 8 0	27	51	6 3 2	2 5 6	51
20	28	0 12 0	0 8 6	28	52	8 6 6	2 12 0	52
	29	0 12 10	0 9 0	29	53	12 13 4	3 0 2	53
					54	25 14 0	3 11 2	54
	30	0 13 8	0 9 6	30				
	31	0 14 6	0 10 0	31	55	£334 ÷ n*	4 6 6	55
	32	0 15 6	0 10 6	32	56	.....	5 9 8	56
25	33	0 16 6	0 11 2	33	57	.....	7 8 0	57
	34	0 17 8	0 11 10	34	58	.....	11 4 10	58
					59	.....	22 14 8	59
	35	0 18 10	0 12 6	35				
	36	1 0 4	0 13 4	36	60	.....	£293 ÷ n*	60
	37	1 1 10	0 14 2	37				
30	38	1 3 6	0 15 0	38				
	39	1 5 4	0 16 0	39				

\* n Denotes the number of complete four-weekly contributions payable before attainment of the maturity age (55 or 60, as the case may be).



*Superannuation (Amendment).***6.** (1) The Principal Act is further amended—Further  
amendment of  
Act No. 28,  
1916.

- (a) by omitting subsections three and four of section sixteen and by inserting in lieu thereof the following subsections:—
- Sec. 16.  
(Contributions by employers.)

5           (3) Where an employee over fifty-nine years of age becomes a contributor or a contributor over fifty-nine years of age elects or becomes entitled to contribute for an additional unit of pension, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by his employer.

10

15           (4) Where a woman employee over fifty-four years of age becomes a contributor or a woman contributor over fifty-four years of age elects or becomes entitled to contribute for an additional unit of pension, and in either such case elects or has elected to contribute at the rate for retirement at age fifty-five, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by her employer.

20

25

- (b) by omitting section nineteen and by inserting in lieu thereof the following section:—
- Subst.  
sec. 19.

30           19. (1) In respect of any contributor who is on leave of absence, whether without pay or not, his contributions shall be paid during such leave of absence as for a period of service and shall become due on or before the last day of each month or four-weekly contribution period.

Employees on leave of absence.

35           (2) Any contribution unpaid on the due date shall bear interest at the rate of three and one



*Superannuation (Amendment).*

one half per centum per annum from such due date until the date of payment:

Provided that the Board may, in case of hardship, waive payment of such interest.

5 (3) The Board may recover the amount of any contribution due and unpaid together with interest thereon in any court of competent jurisdiction.

10 (c) (i) by omitting from subsection (1B) of section twenty-one the words "served for at least thirty-five years with any one or more employers" and by inserting in lieu thereof the words "been a contributor for at least ten years";

15 (ii) by omitting subsection three of the same section;

(d) (i) by omitting from subsection one of section twenty-two the words "who has served as an employee for at least five years with any one or more employers";

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

25 (1A) Where an employee becomes an invalid or becomes physically or mentally incapable of performing his duties within a period of five years from the date upon which he became a contributor, the Board may refuse to pay pension where such invalidity or incapacity is due to causes existing at or before the date upon which the employee became a contributor.

30 (iii) by inserting in subsection two of the same section after the word "contributor" the words "or is or is not due to causes existing at or before the date upon which the employee became a contributor";

35 (e) by omitting from section twenty-three the word "or" where firstly occurring and by inserting in lieu thereof the word "and";

(f)

Sec. 21.

(Age retirement.)

Sec. 22.

(Breakdown retirement.)

Sec. 23.

(Retrenchment and discharge.)



*Superannuation (Amendment).*

- (f) by inserting next after section twenty-three the following new section:—

New sec.  
23A.

23A. Any person who was by the terms of his employment required to give his whole time to the duties of his employment and who prior to becoming a contributor was paid at an hourly, daily, weekly, or fortnightly rate, or by piecework, shall be entitled to have his employment at such hourly, daily, weekly, or fortnightly rate, or at piecework, counted as service for the purposes of sections twenty-one and twenty-three of this Act.

Computation  
of service  
for purposes  
of secs. 21  
and 23.

- (g) by omitting subsection two of section twenty-seven;

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

- (h) by omitting subsection two of section twenty-eight;

Sec. 28.  
(Pension of  
woman retiring  
before 60.)

- (i) by inserting next after section twenty-eight the following new section:—

New sec. 28A.

28A. On the retirement of a contributor who being a man elects under subsection (1B) of section twenty-one of this Act to retire upon or after reaching the age of fifty-five years, or who, being a woman, has contributed for at least ten years at the rate prescribed for retirement at the age of sixty years, the pension to which such contributor is entitled shall be determined according to the number of units for which such contributor contributed at the time of his retirement, but in such case the value of the unit of pension shall be in accordance with the following provisions:—

Pension on  
retirement  
before 60.

	Age last birthday.					Value of Unit of Pension.		
						£	s.	d.
35	55	..	..	..	..	15	10	0
	56	..	..	..	..	16	16	0
	57	..	..	..	..	18	10	0
	58	..	..	..	..	20	12	0
	59	..	..	..	..	23	2	0
	60	..	..	..	..	26	0	0

To



*Superannuation (Amendment).*

To the appropriate value of a unit of pension specified in the above table there shall be added, for each day which has elapsed since the last birthday of the contributor up to and including the day of retirement, one three hundred and sixty-fifth part of the difference between the value of the unit of pension as at such last birthday and the value of the unit of pension as at the next birthday.

- 5
- 10 (j) (i) by omitting from subsection one of section twenty-nine the words "who has served as an employee for at least five years with any one or more employers";
- 15 (ii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph:—
- 20 (b) If such invalidity or incapacity is due to his own fault he shall be entitled to such pension as is determined by the Board to be the equivalent of the contributor's rights in the fund.
- (iii) by inserting next after the same subsection the following new subsection:—
- 25 (1A) Nothing in subsection one of this section shall affect the operation of subsection (1A) of section twenty-two of this Act.
- 30 (k) by inserting at the end of section thirty the following words:—
- The Board may deduct, from any pension payable to the widow under this section, by instalments or in such other manner as may be agreed upon between the Board and the widow, any amounts owing to the fund by such contributor.
- 35 (l) by omitting from section thirty-two the word "contributor" and by inserting in lieu thereof the word "employee."

Sec. 29.  
(Breakdown  
pensions.)

Sec. 30.  
(Pension to  
widow on  
death of  
employee  
in service.)

Sec. 32.  
(Women  
contribu-  
tors' death  
benefits.)



*Superannuation (Amendment).*

(m) by omitting from section 32A the word "con-tributor" and by inserting in lieu thereof the word "employee";

Sec. 32A.  
(Other death benefits.)

5 (n) (i) by omitting paragraph (b) of subsection one of section thirty-seven and by inserting in lieu thereof the following paragraph:—

Sec. 37.  
(Retrenchment benefits.)

(b) such pension as is determined by the Board to be the equivalent of the contributor's rights in the fund;

10

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

(c) He shall not be entitled to count his service prior to retrenchment as service for the purpose of any other pension or benefit under this Act;

15

(iii) by inserting at the end of subsection four of the same section the following words:—

This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

20

25 (o) (i) by inserting at the end of subsection one of section thirty-eight the following words:—

Sec. 38.  
(Resignation, dismissal, or discharge.)

There shall be deducted from the lump sum payable under this subsection any amount received by such contributor as pension before such resignation, dismissal or discharge:

30

Provided that such deduction shall in no case reduce the amount payable to the contributor under this subsection below the amount of contributions paid by him since any amount was last received by him as pension.

35

(ii)



*Superannuation (Amendment).*

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

5 This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

- 10 (p) (i) by inserting in subsection one of section thirty-nine after the words "such order" the words "which has been served on it or of which written notice has been given to it";

Sec. 39.  
(Desertion  
of wife or  
child.)

- 15 (ii) by inserting in subsection two of the same section after the words "such order" the words "made on its application or with any such order made on the application of the guardian where the same has been served on it or where written notice thereof has been given to it";

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

25 (3) Where a certificate has been granted under subsection one of section 13A of the Deserted Wives and Children Act, 1901, as amended by subsequent Acts, the person entitled to receive the money ordered to be paid by the order to which the certificate relates may, in lieu of filing the certificate or causing the same to be filed as provided in subsection two of that section, file the same or cause it to be filed with the Board.

30 Where the defendant named in such certificate is a contributor who has resigned or been dismissed or discharged from the service of an employer and who has not been paid the lump sum referred to in subsection one of section thirty-eight of this Act, the Board may pay to the person entitled as aforesaid out of such lump sum the amount



*Superannuation (Amendment).*

amount specified in the certificate\* or so much as does not exceed such lump sum or the unpaid balance thereof.

5 Every payment made by the Board under the authority of this subsection shall be as valid as if made to the contributor.

(q) by inserting at the end of section forty-five the following proviso:—

Sec. 45.  
(Payment of pensions.)

10 Provided that on and after a date to be appointed by the Governor and notified by proclamation published in the Gazette pensions shall be payable by twenty-six equal instalments per annum.

15 (r) (i) by omitting from section forty-six the words "actuarially determined" where firstly occurring and by inserting in lieu thereof the words "determined by the Board";

Sec. 46.  
(Actuarial reduction of pension of widow.)

(ii) by omitting from the same section the word "actuarially" where secondly occurring.

20 (s) by inserting in section sixty-one after the words "dates of payment" the following proviso:—

Sec. 61.  
(Transfer of insurance policies to Board.)

25 Provided that the Board or the person approved by the Board pursuant to this section may at any time prior to the maturity of any policy transferred to the Board or such person upon repayment of all moneys paid by the Board for premiums thereunder with compound interest thereon at the rate of three and one-half per centum per annum from the respective dates of payment release such policy to the employee.

30 (2) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 31, 1930.

(a) by inserting next after subsection one of section two the following new subsections:—

Sec. 2.  
(Payments to fund by certain employers.)

35 (1A) Where an employer referred to in subsection one of this section is required by the provisions of that subsection to pay to the fund a sum in respect of an employee, and such employee is an employee who has been transferred to



*Superannuation (Amendment).*

to the service of such employer from the service of any other employer, the sum so required to be paid shall be reduced by such amount as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(1B) In respect of any pension or benefit payable to an employee who has been transferred from the service of an employer mentioned in subsection one of this section to the service of another employer, the employer mentioned in that subsection shall pay to the fund such sum as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(b) by omitting subsections two and (2A) of the same section.

(3) The Superannuation (Amendment) Act, 1935, is amended by omitting section six.

Amendment of Act No. 26, 1935.  
(Consequential.)

(4) The payment of any pension or benefit to a person whose employment at an hourly, daily, weekly or fortnightly rate or on piecework before becoming a contributor under the Principal Act has been counted as service in determining his eligibility for such pension or benefit, is hereby validated.

Validation of certain payments.

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

Further amendment of Act No. 28, 1916.

(a) by omitting from section thirty the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

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

(b) by omitting from section thirty-one the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

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

(c) by omitting from subsection one of section thirty-three the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

Sec. 33.  
(Pension to orphans on death of employee or pensioner.)

(d)



*Superannuation (Amendment).*

- (d) by inserting next after section seventeen the following new section:—

New sec.  
17A.

5 17A. (1) Where a pension is payable pursuant to paragraph (b) of section thirty or paragraph (b) of section thirty-one or section thirty-three of this Act in respect of the children of a deceased contributor or pensioner or of the children of the widow or deceased wife of a deceased contributor or pensioner, the employer in whose service such contributor was employed at the date of his death or such pensioner was employed at the date of his retirement, shall pay to the fund at prescribed periods and on the requisition of the Board one-half of the amount of such pension.

Payments  
by employ-  
ers in respect  
of infants'  
pensions.

10 (2) Any amount payable under this section shall be in addition to any contribution or other payment which the employer may be required to make to the fund under this Act or the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts.

20 (2) The amendments made by subsection one of this section shall apply to and in respect of pensions which are payable at the commencement of this Act as well as to and in respect of pensions which become payable after such commencement; but, in the case of pensions which are payable at such commencement the increased rate shall apply only as from the first day of the month next after the date of the commencement of this Act.

30 8. The Principal Act is further amended—

Further  
amendment of  
Act No. 28,  
1916.

35 (a) by inserting at the end of section seventy the words "No person of or above the age of sixty-five years shall be eligible for appointment as president or member of the Board."

Sec. 70.  
(Constitu-  
tion of  
Board.)

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

Sec. 75.  
(Vacation  
of office.)

(2) A member of the Board (including the president) shall be deemed to have vacated his office



*Superannuation (Amendment).*

office on the day upon which he attains the age of sixty-five years.

9. The Principal Act is further amended—

- 5 (a) by inserting next after section seventy-five the following new section:—
- 75A. No act or proceeding of the Board (whether before or after the commencement of the Superannuation (Amendment) Act, 1944) shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member of the Board.
- 15 (b) by inserting in section eighty after the words “common seal” the words “and power to sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property; and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer”;
- 20 (c) by inserting in section 84A after the words “he may” the words “within a period of six months from the date of payment of such gratuity”;
- 25 (d) by inserting in section eighty-five after the word “may” where secondly occurring the words “within a period of six months from the date of such decision”;
- 30 (e) by inserting next after section eighty-nine the following new section:—
- 89A. For the purposes of this Act the Board may require such evidence of the age, marriage, or death of any person as it deems necessary and in default of the production of such evidence the Board may itself obtain such evidence and deduct

Further amendment of Act No. 28, 1916.  
New sec. 75A.

Validity of acts and proceedings.

Sec. 80.  
(Corporate body.)

Sec. 84A.  
(Time limit for appeals as to gratuities under Civil Service Act and Public Service Acts.)

Sec. 85.  
(Settlement of disputes.)

New sec. 89A.

Evidence as to age, marriage or death.



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*Superannuation (Amendment).*

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deduct the expenses incurred in obtaining the same from any moneys payable from the fund to the person from whom such evidence is required.

- 5 (f) by omitting section ninety-four and by inserting in lieu thereof the following section:— Subst. sec. 94.

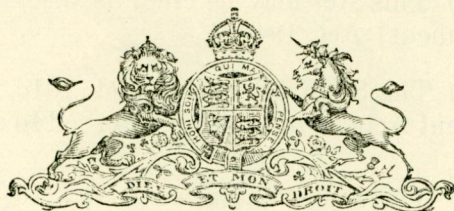
10 94. A person to whom a superannuation allowance under any Acts relating to the Public Service (including a pension under this Act) is payable shall not be deemed to be entitled to be paid such allowance or any part thereof in respect of any period in excess of three months in any year, during which he is employed in the service of the State, unless the Governor otherwise authorises by proclamation published in the Gazette:

15 Provided that nothing in this section contained shall apply where such superannuation allowance is a pension payable under section thirty, section thirty-one, or section thirty-seven of this Act.

20 Any proclamation issued under the section which this section replaces and in force at the commencement of the Superannuation (Amendment) Act, 1944, shall be deemed to have been issued under this section.



# New South Wales.



ANNO OCTAVO

## GEORGII VI REGIS.

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### Act No. 11, 1944.

An Act to provide for the resumption by certain employers of payment of contributions under the Superannuation Act, 1916, as amended by subsequent Acts, in respect of certain units of pension; to make further provision in relation to the repayment by the State Superannuation Board of certain moneys paid to it as employers' contributions; for these and other purposes to amend the Superannuation Act, 1916, the Superannuation (Amendment) Act, 1930, the Finances Adjustment (Further Provisions) Act, 1933, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 19th April, 1944.]



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*Superannuation (Amendment).*

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**B**E it enacted by the King'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  
and citation.

**1.** (1) This Act may be cited as the "Superannuation (Amendment) Act, 1944."

(2) The Superannuation Act, 1916, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Superannuation Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Superannuation Act, 1916-1944.

Amendment  
of Act  
No. 31, 1930.  
New ss. 2A,  
2B.

Resumption  
of payment  
of contribu-  
tions by  
certain  
employers.

**2.** (1) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is amended by inserting next after section two the following new sections:—

2A. On and after the first day of July, one thousand nine hundred and forty-four—

(a) the employers referred to in subsection one of section two of this Act shall contribute to the fund in accordance with the provisions of section sixteen of the Principal Act with respect to—

(i) any additional unit of pension of an employee who was a contributor before that date where the contributions for such additional units commence after that date;

(ii) all units of pension of an employee who was not a contributor before that date where the contributions for such units commence after that date;

(b) paragraph (a) of subsection one of section two of this Act shall not be construed as imposing an obligation on the employer to  
make



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*Superannuation (Amendment).*

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make any payment in accordance with that paragraph in respect of payments made from the fund for units of pension for which a contribution is paid pursuant to paragraph (a) of this section.

2B. (1) The Colonial Treasurer shall, in accordance with this section, pay to the State Superannuation Fund the sum of three million eight hundred and thirty-two thousand pounds. Additional payments by Colonial Treasurer.

Such sum shall be paid out of moneys appropriated by Parliament for the purpose.

(2) The sum specified in subsection one of this section shall be paid in instalments at such times and of such amounts as Parliament may provide, but not less than eighty thousand pounds shall be so appropriated in each financial year.

(3) The first instalment shall be paid in the financial year which commenced on the first day of July, one thousand nine hundred and forty-three, and instalments shall be paid in each year thereafter until the sum specified in subsection one of this section has been paid.

(4) The instalments paid under this section shall be in addition to any amounts payable by way of contribution in pursuance of section 2A of this Act, and, subject to subsection five of this section, shall be in addition also to any payments made by the Government of New South Wales under section two of this Act.

(5) The sum or any instalment or instalments of that sum so paid, together with interest earned thereon, shall be applied in reduction of the liability under section two of this Act of the Government of New South Wales in such manner and to such extent as may be agreed upon between the State Superannuation Board and the Colonial Treasurer.



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*Superannuation (Amendment).*


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Amendment  
of Act  
No. 19, 1933.

Sec. 9.

(Repayment  
of certain  
amounts by  
Superannua-  
tion Board.)

(2) The Finances Adjustment (Further Provisions) Act, 1933, as amended by subsequent Acts, is amended—

(a) by inserting next after subsection three of section nine the following new subsection:—

(3A) So much of the amount specified in subsection two of this section as had not been repaid on the first day of July, one thousand nine hundred and forty-three, shall, notwithstanding any other provision of this section, be repaid, with interest at the rate of three and one-half per centum per annum on the balance from time to time unpaid, in the manner following, that is to say—

As to ten fifty-fifths—not later than the thirtieth day of June, one thousand nine hundred and forty-four, which instalment shall include all instalments paid pursuant to subsection three of this section after the thirtieth day of June, one thousand nine hundred and forty-three, and before the commencement of the Superannuation (Amendment) Act, 1944;

As to nine fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-five;

As to eight fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-six;

As to seven fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-seven;

As to six fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-eight;

As



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*Superannuation (Amendment).*

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- As to five fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-nine;
- As to four fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty;
- As to three fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-one;
- As to two fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-two;
- As to one fifty-fifth—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-three.

- (b) by inserting in subsection four of the same section after the word “three” the words “or subsection (3A).”

**3. The Principal Act is amended—**

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

(2) (a) Notwithstanding anything in the definition of “employee” a person appointed as a professor of the University of Sydney who, at the date of his appointment as such, was a contributor, and who, after such appointment, in addition to such professorship, continues in the employment of an employer in some other capacity, shall be deemed to be an employee for the purposes of this Act and shall, subject to this subsection, continue to be a contributor.

Amendment  
of Act No. 28,  
1916.  
Sec. 3.  
(Interpreta-  
tion.)

(b)



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*Superannuation (Amendment).*

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(b) This subsection shall apply to and in respect of any such person appointed as a professor before as well as after the commencement of the Superannuation (Amendment) Act, 1944.

(c) Any such person appointed as a professor before such commencement shall cease to be a contributor unless, within three months after such commencement, he satisfies the Board that he is no longer a party to any scheme or arrangement to which the University of Sydney is also a party, under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

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

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

- (b) (i) by inserting in subsection two of section eleven after the words “employment of” the words “the same or”;
- (ii) by omitting from the same subsection the words “of the commencement of his employment by such other employer” and by inserting in lieu thereof the words “of such subsequent entry into employment.”

Further  
amendment  
of Act No. 28,  
1916.  
New sec.  
11A.

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

- (a) by inserting next after section eleven the following new section:—

Medical  
examination.

11A. (1) Notwithstanding anything contained in this or any other Act every employee shall  
either



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*Superannuation (Amendment).*

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either before or as soon as practicable after the commencement of his employment submit himself to medical examination by the Chief Medical Officer of the Government.

(2) Where the report of the Chief Medical Officer indicates such employee 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 for a reasonable time the Board may refuse to accept such employee as a contributor.

(3) Where the Board refuses to accept an employee as a contributor it shall forthwith notify such employee and his employer.

(4) Any contributions paid by or in respect of such employee after the commencement of his employment and before such notification is given shall be refunded.

(5) This section shall apply to and in respect of—

(a) any person who becomes an employee after the commencement of the Superannuation (Amendment) Act, 1944; and

(b) any person who has ceased to be employed by an employer either before or after the commencement of the Superannuation (Amendment) Act, 1944, and who, after such commencement, enters the employment of the same or any other employer.

(b) (i) by omitting from the scale set out in section twelve the symbols, figures and words  
 “ „ 131 to 156 „ ... Two and a half units, or 65”; Sec. 12.  
(Scale of units of pension.)

(ii)



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*Superannuation (Amendment).*

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- (ii) by omitting from the same scale the figures "157" and by inserting in lieu thereof the figures "131";
- (c) by omitting paragraph (b) of the proviso to the same section and by inserting in lieu thereof the following paragraph:—
  - (b) (i) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, he may elect not to contribute for one or more of the additional units of pension for which, but for this paragraph, he would be required to contribute by reason of such increase of salary.

The unit or units for which an employee elects not to contribute are, in this paragraph, referred to as "abandoned units."

- (ii) Where an employee has elected, pursuant to subparagraph (i) of this paragraph, or has, under the paragraph which this paragraph replaces, abandoned any unit or units of pension (in this paragraph referred to as "abandoned units"), and thereafter his salary is further increased to another higher salary group as set out in the scale in this section—

- (a) he shall, unless he makes an election under subparagraph (i) of this paragraph in consequence of such further increase in salary, be required

to



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*Superannuation (Amendment).*

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to contribute for the number of units appropriate to his then rate of salary less any abandoned units; or

- (b) he may elect to contribute for one or more of the abandoned units, in addition to any additional units for which he is required to contribute by virtue of such further increase in salary.

Any election under paragraph (b) of this subparagraph shall become effective only when the same has been approved by the Board, but any contributions in respect of any such unit of pension shall be payable as from the first day of the month or of the four-weekly contribution period, as the case may be, in which the increased rate of salary is actually paid. The Board may require any employee who makes such election to furnish evidence as to the state of his health and may refuse its approval if evidence is not so furnished or if, from the evidence furnished, the Board is satisfied that the employee is not in good health.

- (iii) Any election under subparagraph (i) or subparagraph (ii) of this paragraph shall be in writing and shall be forwarded to the Board within a period of three months after the date upon which salary at the increased rate is actually paid,



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*Superannuation (Amendment).*

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

Any such election shall be void unless made in the manner and within the period or extended period referred to in this subparagraph.

- (iv) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, and the amount of such increase is less than the amount which would be required to meet contributions for any additional unit of pension consequent upon such increase in salary, the Board may, notwithstanding subparagraph (i) of this paragraph, allow him to contribute for the number of units of pension for which he was contributing immediately before such increase, but, when the amount of such increase, together with any subsequent increase of salary, is equal to or exceeds the amount required to meet contributions for such additional unit of pension, the provisions of subparagraphs (i) to (iii), both inclusive, of this paragraph shall apply to and in respect of such employee.

- (d) by inserting in paragraph (h) of the same proviso after the word "month" the words "or of the four-weekly contribution period, as the case may be";

(e)



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*Superannuation (Amendment).*

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(e) by inserting next after the same paragraph the following new paragraph:—

(h1) Where a person in the service of an employer becomes an employee, contributions by or in respect of such employee shall take effect from the first day of the month or of the four-weekly contribution period, as the case may be, in which he is first paid as such employee.

(2) The amendments made by paragraph (b) of subsection one of this section shall not be construed as requiring or authorising any person who, at the commencement of this Act, was contributing for two and one-half units of pension to contribute for three units of pension unless and until his salary is increased to an amount of one hundred and fifty-seven pounds per annum, or more.

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

Further  
amendment of  
Act No. 28,  
1916.

(a) (i) by inserting next after subsection one of section fifteen the following new subsection:—

Sec. 15.  
(Tables of  
contribu-  
tions.)

(1A) Until other tables of contributions are prescribed as hereinafter provided the tables of contributions for men and women according to the ages set out in Schedule IV shall be in force and shall apply to both employers and employees.

Contributions in accordance with the tables set out in such Schedule shall be made in respect of—

(a) additional units of pension the contributions for which commence on

or



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*Superannuation (Amendment).*

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or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who were contributors before that date;

- (b) all units of pension the contributions for which commence on or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who become contributors after that date.

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

The tables of contributions so prescribed may—

- (a) be in substitution for the tables set out in Schedule I or Schedule IV;
- (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 the date so proclaimed or in respect of which contributions commence on or after the date so proclaimed (whether such contributions are paid by or in respect of employees who were contributors before or who become contributors after the date so proclaimed);
- (c) in respect of employees who become contributors after the commencement of the Superannuation (Amendment) Act, 1944, make different provisions for different classes of employees.

(b)



*Superannuation (Amendment).*

(b) by inserting next after Schedule III the following new Schedule:—

New  
Schedule  
IV.  
Sec. 15.

## SCHEDULE IV.

## TABLE A.

**MEN.**

*Contributions by Employees—Payable Four-weekly.*

*Retirement at Sixty.*

Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.	Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 5 2	0 4 10	16	40	0 18 4	0 17 6	40
17	0 5 6	0 5 2	17	41	0 19 6	0 18 8	41
18	0 5 10	0 5 4	18	42	1 0 10	1 0 0	42
19	0 6 2	0 5 8	19	43	1 2 4	1 1 6	43
				44	1 4 0	1 3 2	44
20	0 6 6	0 6 0	20				
21	0 6 10	0 6 4	21	45	1 5 10	1 5 0	45
22	0 7 2	0 6 8	22	46	1 8 0	1 7 2	46
23	0 7 6	0 7 0	23	47	1 10 6	1 9 8	47
24	0 7 10	0 7 4	24	48	1 13 6	1 12 6	48
				49	1 17 0	1 16 0	49
25	0 8 2	0 7 8	25				
26	0 8 6	0 8 0	26	50	2 1 2	2 0 2	50
27	0 9 0	0 8 6	27	51	2 6 4	2 5 4	51
28	0 9 6	0 9 0	28	52	2 12 10	2 11 8	52
29	0 10 0	0 9 6	29	53	3 1 0	2 19 10	53
				54	3 12 0	3 10 8	54
30	0 10 8	0 10 0	30				
31	0 11 2	0 10 6	31	55	4 7 6	4 6 0	55
32	0 11 10	0 11 0	32	56	5 10 6	5 8 10	56
33	0 12 6	0 11 8	33	57	7 8 8	7 6 8	57
34	0 13 2	0 12 4	34	58	11 5 8	11 2 8	58
				59	22 16 2	22 10 2	59
35	0 13 10	0 13 0	35				
36	0 14 6	0 13 8	36	60	£298 ÷ n*	£294 ÷ n*	60
37	0 15 4	0 14 6	37				
38	0 16 2	0 15 4	38				
39	0 17 2	0 16 4	39				

\* n Denotes the number of complete four-weekly contributions payable before attainment of age 60.

TABLE



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*Superannuation (Amendment).*


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TABLE B.

**WOMEN.**

*Contributions by Employees for each £52 per annum—Payable  
Four-weekly.*

Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.	Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 5 8	0 4 2	16	40	1 7 6	0 17 2	40
17	0 6 0	0 4 6	17	41	1 10 0	0 18 4	41
18	0 6 6	0 4 8	18	42	1 12 10	0 19 10	42
19	0 6 10	0 5 0	19	43	1 16 2	1 1 4	43
				44	2 0 2	1 3 0	44
20	0 7 4	0 5 4	20				
21	0 7 10	0 5 8	21	45	2 5 0	1 5 0	45
22	0 8 4	0 6 0	22	46	2 10 8	1 7 2	46
23	0 8 10	0 6 4	23	47	2 18 0	1 9 8	47
24	0 9 6	0 6 10	24	48	3 7 4	1 12 8	48
				49	3 19 8	1 16 2	49
25	0 10 2	0 7 2	25				
26	0 10 8	0 7 8	26	50	4 17 0	2 0 4	50
27	0 11 4	0 8 0	27	51	6 3 2	2 5 6	51
28	0 12 0	0 8 6	28	52	8 6 6	2 12 0	52
29	0 12 10	0 9 0	29	53	12 13 4	3 0 2	53
				54	25 14 0	3 11 2	54
30	0 13 8	0 9 6	30				
31	0 14 6	0 10 0	31	55	£334 ÷ n*	4 6 6	55
32	0 15 6	0 10 6	32	56	.....	5 9 8	56
33	0 16 6	0 11 2	33	57	.....	7 8 0	57
34	0 17 8	0 11 10	34	58	.....	11 4 10	58
				59	.....	22 14 8	59
35	0 18 10	0 12 6	35				
36	1 0 4	0 13 4	36	60	.....	£293 ÷ n*	60
37	1 1 10	0 14 2	37				
38	1 3 6	0 15 0	38				
39	1 5 4	0 16 0	39				

\* n Denotes the number of complete four-weekly contributions payable before attainment of the maturity age (55 or 60, as the case may be).



*Superannuation (Amendment).*

6. (1) The Principal Act is further amended—

Further amendment of Act No. 28, 1916.

(a) by omitting subsections three and four of section sixteen and by inserting in lieu thereof the following subsections:—

Sec. 16.  
(Contributions by employers.)

(3) Where an employee over fifty-nine years of age becomes a contributor or a contributor over fifty-nine years of age elects or becomes entitled to contribute for an additional unit of pension, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by his employer.

(4) Where a woman employee over fifty-four years of age becomes a contributor or a woman contributor over fifty-four years of age elects or becomes entitled to contribute for an additional unit of pension, and in either such case elects or has elected to contribute at the rate for retirement at age fifty-five, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by her employer.

(b) by omitting section nineteen and by inserting in lieu thereof the following section:—

Subst. sec. 19.

19. (1) In respect of any contributor who is on leave of absence, whether without pay or not, his contributions shall be paid during such leave of absence as for a period of service and shall become due on or before the last day of each month or four-weekly contribution period.

Employees on leave of absence.

(2) Any contribution unpaid on the due date shall bear interest at the rate of three and

one



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*Superannuation (Amendment).*

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one half per centum per annum from such due date until the date of payment:

Provided that the Board may, in case of hardship, waive payment of such interest.

(3) The Board may recover the amount of any contribution due and unpaid together with interest thereon in any court of competent jurisdiction.

Sec. 21.  
(Age retirement.)

(c) (i) by omitting from subsection (1B) of section twenty-one the words "served for at least thirty-five years with any one or more employers" and by inserting in lieu thereof the words "been a contributor for at least ten years";

(ii) by omitting subsection three of the same section;

Sec. 22.  
(Breakdown retirement.)

(d) (i) by omitting from subsection one of section twenty-two the words "who has served as an employee for at least five years with any one or more employers";

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

(1A) Where an employee becomes an invalid or becomes physically or mentally incapable of performing his duties within a period of five years from the date upon which he became a contributor, the Board may refuse to pay pension where such invalidity or incapacity is due to causes existing at or before the date upon which the employee became a contributor.

(iii) by inserting in subsection two of the same section after the word "contributor" the words "or is or is not due to causes existing at or before the date upon which the employee became a contributor";

Sec. 23.  
(Retrenchment and discharge.)

(e) by omitting from section twenty-three the word "or" where firstly occurring and by inserting in lieu thereof the word "and";

(f)



*Superannuation (Amendment).*

- (f) by inserting next after section twenty-three the following new section:—

New sec.  
23A.

23A. Any person who was by the terms of his employment required to give his whole time to the duties of his employment and who prior to becoming a contributor was paid at an hourly, daily, weekly, or fortnightly rate, or by piecework, shall be entitled to have his employment at such hourly, daily, weekly, or fortnightly rate, or at piecework, counted as service for the purposes of sections twenty-one and twenty-three of this Act.

Computation  
of service  
for purposes  
of secs. 21  
and 23.

- (g) by omitting subsection two of section twenty-seven;

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

- (h) by omitting subsection two of section twenty-eight;

Sec. 28.  
(Pension of  
woman retiring  
before 60.)

- (i) by inserting next after section twenty-eight the following new section:—

New sec. 28A.

28A. On the retirement of a contributor who being a man elects under subsection (1B) of section twenty-one of this Act to retire upon or after reaching the age of fifty-five years, or who, being a woman, has contributed for at least ten years at the rate prescribed for retirement at the age of sixty years, the pension to which such contributor is entitled shall be determined according to the number of units for which such contributor contributed at the time of his retirement, but in such case the value of the unit of pension shall be in accordance with the following provisions:—

Pension on  
retirement  
before 60.

Age last birthday.					Value of Unit of Pension.		
					£	s.	d.
55	..	..	..	..	15	10	0
56	..	..	..	..	16	16	0
57	..	..	..	..	18	10	0
58	..	..	..	..	20	12	0
59	..	..	..	..	23	2	0
60	..	..	..	..	26	0	0

To



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*Superannuation (Amendment).*

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To the appropriate value of a unit of pension specified in the above table there shall be added, for each day which has elapsed since the last birthday of the contributor up to and including the day of retirement, one three hundred and sixty-fifth part of the difference between the value of the unit of pension as at such last birthday and the value of the unit of pension as at the next birthday.

Sec. 29.  
(Breakdown  
pensions.)

- (j) (i) by omitting from subsection one of section twenty-nine the words "who has served as an employee for at least five years with any one or more employers";
- (ii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph:—

(b) If such invalidity or incapacity is due to his own fault he shall be entitled to such pension as is determined by the Board to be the equivalent of the contributor's rights in the fund.

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

(1A) Nothing in subsection one of this section shall affect the operation of subsection (1A) of section twenty-two of this Act.

Sec. 30.  
(Pension to  
widow on  
death of  
employee  
in service.)

- (k) by inserting at the end of section thirty the following words:—

The Board may deduct, from any pension payable to the widow under this section, by instalments or in such other manner as may be agreed upon between the Board and the widow, any amounts owing to the fund by such contributor.

- (l) by omitting from section thirty-two the word "contributor" and by inserting in lieu thereof the word "employee."

(m)



*Superannuation (Amendment).*

(m) by omitting from section 32A the word "contributor" and by inserting in lieu thereof the word "employee"; Sec. 32A.  
(Other death benefits.)

(n) (i) by omitting paragraph (b) of subsection one of section thirty-seven and by inserting in lieu thereof the following paragraph:— Sec. 37.  
(Retrenchment benefits.)

(b) such pension as is determined by the Board to be the equivalent of the contributor's rights in the fund;

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

(c) He shall not be entitled to count his service prior to retrenchment as service for the purpose of any other pension or benefit under this Act;

(iii) by inserting at the end of subsection four of the same section the following words:—

This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

(o) (i) by inserting at the end of subsection one of section thirty-eight the following words:— Sec. 38.  
(Resignation, dismissal, or discharge.)

There shall be deducted from the lump sum payable under this subsection any amount received by such contributor as pension before such resignation, dismissal or discharge:

Provided that such deduction shall in no case reduce the amount payable to the contributor under this subsection below the amount of contributions paid by him since any amount was last received by him as pension.



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*Superannuation (Amendment).*

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

This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

Sec. 39.  
(Desertion  
of wife or  
child.)

- (p) (i) by inserting in subsection one of section thirty-nine after the words “such order” the words “which has been served on it or of which written notice has been given to it”;
- (ii) by inserting in subsection two of the same section after the words “such order” the words “made on its application or with any such order made on the application of the guardian where the same has been served on it or where written notice thereof has been given to it”;
- (iii) by inserting at the end of the same section the following new subsection:—

(3) Where a certificate has been granted under subsection one of section 13A of the Deserted Wives and Children Act, 1901, as amended by subsequent Acts, the person entitled to receive the money ordered to be paid by the order to which the certificate relates may, in lieu of filing the certificate or causing the same to be filed as provided in subsection two of that section, file the same or cause it to be filed with the Board.

Where the defendant named in such certificate is a contributor who has resigned or been dismissed or discharged from the service of an employer and who has not been paid the lump sum referred to in subsection one of section thirty-eight of this Act, the Board may pay to the person entitled as aforesaid out of such lump sum the  
amount



*Superannuation (Amendment).*

amount specified in the certificate or so much as does not exceed such lump sum or the unpaid balance thereof.

Every payment made by the Board under the authority of this subsection shall be as valid as if made to the contributor.

- (q) by inserting at the end of section forty-five the following proviso:—

Sec. 45.  
(Payment of pensions.)

Provided that on and after a date to be appointed by the Governor and notified by proclamation published in the Gazette pensions shall be payable by twenty-six equal instalments per annum.

- (r) (i) by omitting from section forty-six the words “actuarially determined” where firstly occurring and by inserting in lieu thereof the words “determined by the Board”;  
(ii) by omitting from the same section the word “actuarially” where secondly occurring.

Sec. 46.  
(Actuarial reduction of pension of widow.)

- (s) by inserting in section sixty-one after the words “dates of payment” the following proviso:—

Sec. 61.  
(Transfer of insurance policies to Board.)

Provided that the Board or the person approved by the Board pursuant to this section may at any time prior to the maturity of any policy transferred to the Board or such person upon repayment of all moneys paid by the Board for premiums thereunder with compound interest thereon at the rate of three and one-half per centum per annum from the respective dates of payment release such policy to the employee.

- (2) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 31, 1930.

- (a) by inserting next after subsection one of section two the following new subsections:—

Sec. 2.  
(Payments to fund by certain employers.)

(1A) Where an employer referred to in subsection one of this section is required by the provisions of that subsection to pay to the fund a sum in respect of an employee, and such employee is an employee who has been transferred

to



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*Superannuation (Amendment).*

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to the service of such employer from the service of any other employer, the sum so required to be paid shall be reduced by such amount as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(1B) In respect of any pension or benefit payable to an employee who has been transferred from the service of an employer mentioned in subsection one of this section to the service of another employer, the employer mentioned in that subsection shall pay to the fund such sum as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(b) by omitting subsections two and (2A) of the same section.

(3) The Superannuation (Amendment) Act, 1935, is amended by omitting section six.

(4) The payment of any pension or benefit to a person whose employment at an hourly, daily, weekly or fortnightly rate or on piecework before becoming a contributor under the Principal Act has been counted as service in determining his eligibility for such pension or benefit, is hereby validated.

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

(a) by omitting from section thirty the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

(b) by omitting from section thirty-one the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

(c) by omitting from subsection one of section thirty-three the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

(d)

Amendment of  
Act No. 26,  
1935.  
(Consequen-  
tial.)  
Validation  
of certain  
payments.

Further  
amendment of  
Act No. 28,  
1916.  
Sec. 30.  
(Pension to  
widow and  
orphans on  
death of  
employee in  
service.)  
Sec. 31.  
(Pension to  
widow and  
orphans on  
death of  
pensioner after  
retirement.)  
Sec. 33.  
(Pension to  
orphans on  
death of  
employee or  
pensioner.)



*Superannuation (Amendment).*

(d) by inserting next after section seventeen the following new section:—

New sec.  
17A.

17A. (1) Where a pension is payable pursuant to paragraph (b) of section thirty or paragraph (b) of section thirty-one or section thirty-three of this Act in respect of the children of a deceased contributor or pensioner or of the children of the widow or deceased wife of a deceased contributor or pensioner, the employer in whose service such contributor was employed at the date of his death or such pensioner was employed at the date of his retirement, shall pay to the fund at prescribed periods and on the requisition of the Board one-half of the amount of such pension.

Payments  
by em-  
ployers in  
respect of  
infants'  
pensions.

(2) Any amount payable under this section shall be in addition to any contribution or other payment which the employer may be required to make to the fund under this Act or the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts.

(2) The amendments made by subsection one of this section shall apply to and in respect of pensions which are payable at the commencement of this Act as well as to and in respect of pensions which become payable after such commencement; but, in the case of pensions which are payable at such commencement the increased rate shall apply only as from the first day of the month next after the date of the commencement of this Act.

8. The Principal Act is further amended—

Further  
amendment of  
Act No. 23,  
1916.

(a) by inserting at the end of section seventy the words "No person of or above the age of sixty-five years shall be eligible for appointment as president or member of the Board."

Sec. 70.  
(Constitu-  
tion of  
Board.)

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

Sec. 75.  
(Vacation  
of office.)

(2) A member of the Board (including the president) shall be deemed to have vacated his office



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*Superannuation (Amendment).*

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office on the day upon which he attains the age of sixty-five years.

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

Further amendment of Act No. 28, 1916.

New sec. 75A.

Validity of acts and proceedings.

- (a) by inserting next after section seventy-five the following new section:—

75A. No act or proceeding of the Board (whether before or after the commencement of the Superannuation (Amendment) Act, 1944) shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member of the Board.

Sec. 80.

(Corporate body.)

- (b) by inserting in section eighty after the words “common seal” the words “and power to sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property; and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer”;

Sec. 84A.

(Time limit for appeals as to gratuities under Civil Service Act and Public Service Acts.)

- (c) by inserting in section 84A after the words “he may” the words “within a period of six months from the date of payment of such gratuity”;

Sec. 85.

(Settlement of disputes.)

- (d) by inserting in section eighty-five after the word “may” where secondly occurring the words “within a period of six months from the date of such decision”;

New sec. 89A.

- (e) by inserting next after section eighty-nine the following new section:—

89A. For the purposes of this Act the Board may require such evidence of the age, marriage, or death of any person as it deems necessary and in default of the production of such evidence the Board may itself obtain such evidence and

Evidence as to age, marriage or death.

**deduct**



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*Superannuation (Amendment).*


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deduct the expenses incurred in obtaining the same from any moneys payable from the fund to the person from whom such evidence is required.

- (f) by omitting section ninety-four and by inserting in lieu thereof the following section:—

Subst. sec.  
94.

94. A person to whom a superannuation allowance under any Acts relating to the Public Service (including a pension under this Act) is payable shall not be deemed to be entitled to be paid such allowance or any part thereof in respect of any period in excess of three months in any year, during which he is employed in the service of the State, unless the Governor otherwise authorises by proclamation published in the Gazette:

Person entitled to pension subsequently employed in Public Service.

Provided that nothing in this section contained shall apply where such superannuation allowance is a pension payable under section thirty, section thirty-one, or section thirty-seven of this Act.

Any proclamation issued under the section which this section replaces and in force at the commencement of the Superannuation (Amendment) Act, 1944, shall be deemed to have been issued under this section.

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By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1944.

[1s.]



Supplement (Amendment)

deduct the expense incurred in obtaining the same from any money payable from the fund to the person from whom such expense is required.

(f) by omitting section nine, four and by inserting in lieu thereof the following section:-

84. A person to whom a superannuation allowance under any Act relating to the Public Service (including a pension under this Act) is payable shall not be deemed to be entitled to be paid such allowance or any part thereof in respect of any period in excess of three months in any year during which he is employed in the service of the State, unless the Governor otherwise authorizes by proclamation published in the Gazette:

Provided that nothing in this section contained shall apply where such superannuation allowance is payable by this section under this Act, or under any other Act.

Any proclamation issued under this section which this section renders void in force at the commencement of the Superannuation (Amendment) Act, 1914, shall be deemed to have been issued under this section.

By Authority:

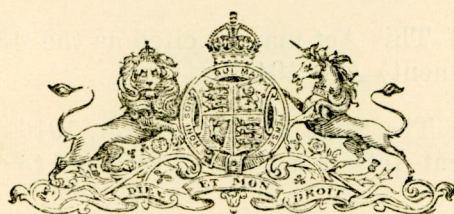
James Henry Patterson, Acting Government Printer, Sydney, 1914.



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 13 April, 1944.*

## New South Wales.



ANNO OCTAVO

# GEORGII VI REGIS.

\*\*\*\*\*

### Act No. 11, 1944.

An Act to provide for the resumption by certain employers of payment of contributions under the Superannuation Act, 1916, as amended by subsequent Acts, in respect of certain units of pension; to make further provision in relation to the repayment by the State Superannuation Board of certain moneys paid to it as employers' contributions; for these and other purposes to amend the Superannuation Act, 1916, the Superannuation (Amendment) Act, 1930, the Finances Adjustment (Further Provisions) Act, 1933, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 19th April, 1944.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*



*Superannuation (Amendment).*

**B**E it enacted by the King'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 and citation. **1.** (1) This Act may be cited as the "Superannuation (Amendment) Act, 1944."

(2) The Superannuation Act, 1916, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Superannuation Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Superannuation Act, 1916-1944.

Amendment of Act No. 31, 1930. **2.** (1) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is amended by inserting next after section two the following new sections:—

New ss. 2A, 2B.  
Resumption of payment of contributions by certain employers.

2A. On and after the first day of July, one thousand nine hundred and forty-four—

(a) the employers referred to in subsection one of section two of this Act shall contribute to the fund in accordance with the provisions of section sixteen of the Principal Act with respect to—

(i) any additional unit of pension of an employee who was a contributor before that date where the contributions for such additional units commence after that date;

(ii) all units of pension of an employee who was not a contributor before that date where the contributions for such units commence after that date;

(b) paragraph (a) of subsection one of section two of this Act shall not be construed as imposing an obligation on the employer to **make**



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*Superannuation (Amendment).*

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make any payment in accordance with that paragraph in respect of payments made from the fund for units of pension for which a contribution is paid pursuant to paragraph (a) of this section.

2B. (1) The Colonial Treasurer shall, in accordance with this section, pay to the State Superannuation Fund the sum of three million eight hundred and thirty-two thousand pounds.

Additional  
payments by  
Colonial  
Treasurer.

Such sum shall be paid out of moneys appropriated by Parliament for the purpose.

(2) The sum specified in subsection one of this section shall be paid in instalments at such times and of such amounts as Parliament may provide, but not less than eighty thousand pounds shall be so appropriated in each financial year.

(3) The first instalment shall be paid in the financial year which commenced on the first day of July, one thousand nine hundred and forty-three, and instalments shall be paid in each year thereafter until the sum specified in subsection one of this section has been paid.

(4) The instalments paid under this section shall be in addition to any amounts payable by way of contribution in pursuance of section 2A of this Act, and, subject to subsection five of this section, shall be in addition also to any payments made by the Government of New South Wales under section two of this Act.

(5) The sum or any instalment or instalments of that sum so paid, together with interest earned thereon, shall be applied in reduction of the liability under section two of this Act of the Government of New South Wales in such manner and to such extent as may be agreed upon between the State Superannuation Board and the Colonial Treasurer.



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*Superannuation (Amendment).*

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Amendment  
of Act  
No. 19, 1933.

Sec. 9.

(Repayment  
of certain  
amounts by  
Superannua-  
tion Board.)

(2) The Finances Adjustment (Further Provisions) Act, 1933, as amended by subsequent Acts, is amended—

(a) by inserting next after subsection three of section nine the following new subsection:—

(3A) So much of the amount specified in subsection two of this section as had not been repaid on the first day of July, one thousand nine hundred and forty-three, shall, notwithstanding any other provision of this section, be repaid, with interest at the rate of three and one-half per centum per annum on the balance from time to time unpaid, in the manner following, that is to say—

As to ten fifty-fifths—not later than the thirtieth day of June, one thousand nine hundred and forty-four, which instalment shall include all instalments paid pursuant to subsection three of this section after the thirtieth day of June, one thousand nine hundred and forty-three, and before the commencement of the Superannuation (Amendment) Act, 1944;

As to nine fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-five;

As to eight fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-six;

As to seven fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-seven;

As to six fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-eight;

As



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*Superannuation (Amendment).*

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As to five fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and forty-nine;

As to four fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty;

As to three fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-one;

As to two fifty-fifths—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-two;

As to one fifty-fifth—by twelve equal monthly instalments during the year ending the thirtieth day of June, one thousand nine hundred and fifty-three.

- (b) by inserting in subsection four of the same section after the word “three” the words “or subsection (3A).”

**3. The Principal Act is amended—**

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

(2) (a) Notwithstanding anything in the definition of “employee” a person appointed as a professor of the University of Sydney who, at the date of his appointment as such, was a contributor, and who, after such appointment, in addition to such professorship, continues in the employment of an employer in some other capacity, shall be deemed to be an employee for the purposes of this Act and shall, subject to this subsection, continue to be a contributor.

Amendment  
of Act No. 23,  
1916.  
Sec. 3.  
(Interpreta-  
tion.)

(b)



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*Superannuation (Amendment).*


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(b) This subsection shall apply to and in respect of any such person appointed as a professor before as well as after the commencement of the Superannuation (Amendment) Act, 1944.

(c) Any such person appointed as a professor before such commencement shall cease to be a contributor unless, within three months after such commencement, he satisfies the Board that he is no longer a party to any scheme or arrangement to which the University of Sydney is also a party, under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

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

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

- (b) (i) by inserting in subsection two of section eleven after the words "employment of" the words "the same or";
- (ii) by omitting from the same subsection the words "of the commencement of his employment by such other employer" and by inserting in lieu thereof the words "of such subsequent entry into employment."

Further  
amendment  
of Act No. 28,  
1916.  
New sec.  
11A.

4. (1) The Principal Act is further amended—

- (a) by inserting next after section eleven the following new section:—

Medical  
examination.

11A. (1) Notwithstanding anything contained in this or any other Act every employee shall  
either



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*Superannuation (Amendment).*

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either before or as soon as practicable after the commencement of his employment submit himself to medical examination by the Chief Medical Officer of the Government.

(2) Where the report of the Chief Medical Officer indicates such employee 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 for a reasonable time the Board may refuse to accept such employee as a contributor.

(3) Where the Board refuses to accept an employee as a contributor it shall forthwith notify such employee and his employer.

(4) Any contributions paid by or in respect of such employee after the commencement of his employment and before such notification is given shall be refunded.

(5) This section shall apply to and in respect of—

(a) any person who becomes an employee after the commencement of the Superannuation (Amendment) Act, 1944; and

(b) any person who has ceased to be employed by an employer either before or after the commencement of the Superannuation (Amendment) Act, 1944, and who, after such commencement, enters the employment of the same or any other employer.

(b) (i) by omitting from the scale set out in section Sec. 12.  
 twelve the symbols, figures and words (Scale of  
 “ „ 131 to 156 „ . . . Two and a half units of  
 units, or 65”; pension.)

(ii)



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*Superannuation (Amendment).*

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(ii) by omitting from the same scale the figures "157" and by inserting in lieu thereof the figures "131";

(c) by omitting paragraph (b) of the proviso to the same section and by inserting in lieu thereof the following paragraph:—

(b) (i) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, he may elect not to contribute for one or more of the additional units of pension for which, but for this paragraph, he would be required to contribute by reason of such increase of salary.

The unit or units for which an employee elects not to contribute are, in this paragraph, referred to as "abandoned units."

(ii) Where an employee has elected, pursuant to subparagraph (i) of this paragraph, or has, under the paragraph which this paragraph replaces, abandoned any unit or units of pension (in this paragraph referred to as "abandoned units"), and thereafter his salary is further increased to another higher salary group as set out in the scale in this section—

(a) he shall, unless he makes an election under subparagraph (i) of this paragraph in consequence of such further increase in salary, be required

to



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*Superannuation (Amendment).*

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to contribute for the number of units appropriate to his then rate of salary less any abandoned units; or

- (b) he may elect to contribute for one or more of the abandoned units, in addition to any additional units for which he is required to contribute by virtue of such further increase in salary.

Any election under paragraph (b) of this subparagraph shall become effective only when the same has been approved by the Board, but any contributions in respect of any such unit of pension shall be payable as from the first day of the month or of the four-weekly contribution period, as the case may be, in which the increased rate of salary is actually paid. The Board may require any employee who makes such election to furnish evidence as to the state of his health and may refuse its approval if evidence is not so furnished or if, from the evidence furnished, the Board is satisfied that the employee is not in good health.

- (iii) Any election under subparagraph (i) or subparagraph (ii) of this paragraph shall be in writing and shall be forwarded to the Board within a period of three months after the date upon which salary at the increased rate is actually paid,



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*Superannuation (Amendment).*

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

Any such election shall be void unless made in the manner and within the period or extended period referred to in this subparagraph.

- (iv) If, after an employee has reached the age of forty years, his salary is increased from one salary group as set out in the scale in this section to a higher salary group as set out in such scale, and the amount of such increase is less than the amount which would be required to meet contributions for any additional unit of pension consequent upon such increase in salary, the Board may, notwithstanding subparagraph (i) of this paragraph, allow him to contribute for the number of units of pension for which he was contributing immediately before such increase, but, when the amount of such increase, together with any subsequent increase of salary, is equal to or exceeds the amount required to meet contributions for such additional unit of pension, the provisions of subparagraphs (i) to (iii), both inclusive, of this paragraph shall apply to and in respect of such employee.
- (d) by inserting in paragraph (h) of the same proviso after the word "month" the words "or of the four-weekly contribution period, as the case may be";

(e)



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*Superannuation (Amendment).*

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(e) by inserting next after the same paragraph the following new paragraph:—

(h1) Where a person in the service of an employer becomes an employee, contributions by or in respect of such employee shall take effect from the first day of the month or of the four-weekly contribution period, as the case may be, in which he is first paid as such employee.

(2) The amendments made by paragraph (b) of subsection one of this section shall not be construed as requiring or authorising any person who, at the commencement of this Act, was contributing for two and one-half units of pension to contribute for three units of pension unless and until his salary is increased to an amount of one hundred and fifty-seven pounds per annum, or more.

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

(a) (i) by inserting next after subsection one of section fifteen the following new subsection:—

Further amendment of Act No. 28, 1916.  
Sec. 15.  
(Tables of contributions.)

(1A) Until other tables of contributions are prescribed as hereinafter provided the tables of contributions for men and women according to the ages set out in Schedule IV shall be in force and shall apply to both employers and employees.

Contributions in accordance with the tables set out in such Schedule shall be made in respect of—

(a) additional units of pension the contributions for which commence on

**or**



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*Superannuation (Amendment).*

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or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who were contributors before that date;

- (b) all units of pension the contributions for which commence on or after the first day of July, one thousand nine hundred and forty-four, and are paid by or in respect of employees who become contributors after that date.

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

The tables of contributions so prescribed may—

- (a) be in substitution for the tables set out in Schedule I or Schedule IV;
- (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 the date so proclaimed or in respect of which contributions commence on or after the date so proclaimed (whether such contributions are paid by or in respect of employees who were contributors before or who become contributors after the date so proclaimed);
- (c) in respect of employees who become contributors after the commencement of the Superannuation (Amendment) Act, 1944, make different provisions for different classes of employees.

(b)



*Superannuation (Amendment).*

(b) by inserting next after Schedule III the following new Schedule:—

New  
Schedule  
IV.  
Sec. 15.

## SCHEDULE IV.

## TABLE A.

## MEN.

*Contributions by Employees—Payable Four-weekly.  
Retirement at Sixty.*

Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.	Age next Birthday.	First £52 p.a. to man, £26 p.a. to widow, £13 p.a. for each child to age 16.	Subsequent increments, £52 p.a. to man, £26 p.a. to widow.	Age next Birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 5 2	0 4 10	16	40	0 18 4	0 17 6	40
17	0 5 6	0 5 2	17	41	0 19 6	0 18 8	41
18	0 5 10	0 5 4	18	42	1 0 10	1 0 0	42
19	0 6 2	0 5 8	19	43	1 2 4	1 1 6	43
				44	1 4 0	1 3 2	44
20	0 6 6	0 6 0	20				
21	0 6 10	0 6 4	21	45	1 5 10	1 5 0	45
22	0 7 2	0 6 8	22	46	1 8 0	1 7 2	46
23	0 7 6	0 7 0	23	47	1 10 6	1 9 8	47
24	0 7 10	0 7 4	24	48	1 13 6	1 12 6	48
				49	1 17 0	1 16 0	49
25	0 8 2	0 7 8	25				
26	0 8 6	0 8 0	26	50	2 1 2	2 0 2	50
27	0 9 0	0 8 6	27	51	2 6 4	2 5 4	51
28	0 9 6	0 9 0	28	52	2 12 10	2 11 8	52
29	0 10 0	0 9 6	29	53	3 1 0	2 19 10	53
				54	3 12 0	3 10 8	54
30	0 10 8	0 10 0	30				
31	0 11 2	0 10 6	31	55	4 7 6	4 6 0	55
32	0 11 10	0 11 0	32	56	5 10 6	5 8 10	56
33	0 12 6	0 11 8	33	57	7 8 8	7 6 8	57
34	0 13 2	0 12 4	34	58	11 5 8	11 2 8	58
				59	22 16 2	22 10 2	59
35	0 13 10	0 13 0	35				
36	0 14 6	0 13 8	36	60	£298 ÷ n*	£294 ÷ n*	60
37	0 15 4	0 14 6	37				
38	0 16 2	0 15 4	38				
39	0 17 2	0 16 4	39				

\* n Denotes the number of complete four-weekly contributions payable before attainment of age 60.

TABLE



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*Superannuation (Amendment).*


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TABLE B.

**WOMEN.**

*Contributions by Employees for each £52 per annum—Payable  
Four-weekly.*

Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.	Age next Birthday.	Retirement at 55.	Retirement at 60.	Age next Birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 5 8	0 4 2	16	40	1 7 6	0 17 2	40
17	0 6 0	0 4 6	17	41	1 10 0	0 18 4	41
18	0 6 6	0 4 8	18	42	1 12 10	0 19 10	42
19	0 6 10	0 5 0	19	43	1 16 2	1 1 4	43
				44	2 0 2	1 3 0	44
20	0 7 4	0 5 4	20				
21	0 7 10	0 5 8	21	45	2 5 0	1 5 0	45
22	0 8 4	0 6 0	22	46	2 10 8	1 7 2	46
23	0 8 10	0 6 4	23	47	2 18 0	1 9 8	47
24	0 9 6	0 6 10	24	48	3 7 4	1 12 8	48
				49	3 19 8	1 16 2	49
25	0 10 2	0 7 2	25				
26	0 10 8	0 7 8	26	50	4 17 0	2 0 4	50
27	0 11 4	0 8 0	27	51	6 3 2	2 5 6	51
28	0 12 0	0 8 6	28	52	8 6 6	2 12 0	52
29	0 12 10	0 9 0	29	53	12 13 4	3 0 2	53
				54	25 14 0	3 11 2	54
30	0 13 8	0 9 6	30				
31	0 14 6	0 10 0	31	55	£334 ÷ n*	4 6 6	55
32	0 15 6	0 10 6	32	56	.....	5 9 8	56
33	0 16 6	0 11 2	33	57	.....	7 8 0	57
34	0 17 8	0 11 10	34	58	.....	11 4 10	58
				59	.....	22 14 8	59
35	0 18 10	0 12 6	35				
36	1 0 4	0 13 4	36	60	.....	£293 ÷ n*	60
37	1 1 10	0 14 2	37				
38	1 3 6	0 15 0	38				
39	1 5 4	0 16 0	39				

\* n Denotes the number of complete four-weekly contributions payable before attainment of the maturity age (55 or 60, as the case may be).



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*Superannuation (Amendment).*

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**6. (1)** The Principal Act is further amended—Further  
amendment of  
Act No. 28,  
1916.

- (a) by omitting subsections three and four of section sixteen and by inserting in lieu thereof the following subsections:—

Sec. 16.  
(Contribu-  
tions by  
employers.)

(3) Where an employee over fifty-nine years of age becomes a contributor or a contributor over fifty-nine years of age elects or becomes entitled to contribute for an additional unit of pension, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by his employer.

(4) Where a woman employee over fifty-four years of age becomes a contributor or a woman contributor over fifty-four years of age elects or becomes entitled to contribute for an additional unit of pension, and in either such case elects or has elected to contribute at the rate for retirement at age fifty-five, an amount equal to the contributions payable in accordance with the tables of contributions prescribed by or under this Act, and applicable to such employee or contributor, for a period of one year shall be paid by the contributor and by her employer.

- (b) by omitting section nineteen and by inserting in lieu thereof the following section:—

Subst.  
sec. 19.

19. (1) In respect of any contributor who is on leave of absence, whether without pay or not, his contributions shall be paid during such leave of absence as for a period of service and shall become due on or before the last day of each month or four-weekly contribution period.

Employees  
on leave of  
absence.

(2) Any contribution unpaid on the due date shall bear interest at the rate of three and  
**one**



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*Superannuation (Amendment).*

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one half per centum per annum from such due date until the date of payment:

Provided that the Board may, in case of hardship, waive payment of such interest.

(3) The Board may recover the amount of any contribution due and unpaid together with interest thereon in any court of competent jurisdiction.

Sec. 21.  
(Age retirement.)

(c) (i) by omitting from subsection (1B) of section twenty-one the words "served for at least thirty-five years with any one or more employers" and by inserting in lieu thereof the words "been a contributor for at least ten years";

(ii) by omitting subsection three of the same section;

Sec. 22.  
(Breakdown retirement.)

(d) (i) by omitting from subsection one of section twenty-two the words "who has served as an employee for at least five years with any one or more employers";

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

(1A) Where an employee becomes an invalid or becomes physically or mentally incapable of performing his duties within a period of five years from the date upon which he became a contributor, the Board may refuse to pay pension where such invalidity or incapacity is due to causes existing at or before the date upon which the employee became a contributor.

(iii) by inserting in subsection two of the same section after the word "contributor" the words "or is or is not due to causes existing at or before the date upon which the employee became a contributor";

Sec. 23.  
(Retrenchment and discharge.)

(c) by omitting from section twenty-three the word "or" where firstly occurring and by inserting in lieu thereof the word "and";

(f)



*Superannuation (Amendment).*

- (f) by inserting next after section twenty-three the following new section:—

New sec.  
23A.

23A. Any person who was by the terms of his employment required to give his whole time to the duties of his employment and who prior to becoming a contributor was paid at an hourly, daily, weekly, or fortnightly rate, or by piecework, shall be entitled to have his employment at such hourly, daily, weekly, or fortnightly rate, or at piecework, counted as service for the purposes of sections twenty-one and twenty-three of this Act.

Computation  
of service  
for purposes  
of secs. 21  
and 23.

- (g) by omitting subsection two of section twenty-seven;

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

- (h) by omitting subsection two of section twenty-eight;

Sec. 28.  
(Pension of  
woman retiring  
before 60.)

- (i) by inserting next after section twenty-eight the following new section:—

New sec. 28A.

28A. On the retirement of a contributor who being a man elects under subsection (1B) of section twenty-one of this Act to retire upon or after reaching the age of fifty-five years, or who, being a woman, has contributed for at least ten years at the rate prescribed for retirement at the age of sixty years, the pension to which such contributor is entitled shall be determined according to the number of units for which such contributor contributed at the time of his retirement, but in such case the value of the unit of pension shall be in accordance with the following provisions:—

Pension on  
retirement  
before 60.

Age last birthday.					Value of Unit of Pension.		
					£	s.	d.
55	..	..	..	..	15	10	0
56	..	..	..	..	16	16	0
57	..	..	..	..	18	10	0
58	..	..	..	..	20	12	0
59	..	..	..	..	23	2	0
60	..	..	..	..	26	0	0

To



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*Superannuation (Amendment).*

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To the appropriate value of a unit of pension specified in the above table there shall be added, for each day which has elapsed since the last birthday of the contributor up to and including the day of retirement, one three hundred and sixty-fifth part of the difference between the value of the unit of pension as at such last birthday and the value of the unit of pension as at the next birthday.

Sec. 29.  
(Breakdown  
pensions.)

- (j) (i) by omitting from subsection one of section twenty-nine the words "who has served as an employee for at least five years with any one or more employers";
- (ii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph:—

(b) If such invalidity or incapacity is due to his own fault he shall be entitled to such pension as is determined by the Board to be the equivalent of the contributor's rights in the fund.

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

(1A) Nothing in subsection one of this section shall affect the operation of subsection (1A) of section twenty-two of this Act.

Sec. 30.  
(Pension to  
widow on  
death of  
employee  
in service.)

- (k) by inserting at the end of section thirty the following words:—

The Board may deduct, from any pension payable to the widow under this section, by instalments or in such other manner as may be agreed upon between the Board and the widow, any amounts owing to the fund by such contributor.

- (l) by omitting from section thirty-two the word "contributor" and by inserting in lieu thereof the word "employee."

(m)



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*Superannuation (Amendment).*

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- (m) by omitting from section 32A the word "contributor" and by inserting in lieu thereof the word "employee"; Sec. 32A.  
(Other death benefits.)
- (n) (i) by omitting paragraph (b) of subsection one of section thirty-seven and by inserting in lieu thereof the following paragraph:— Sec. 37.  
(Retrenchment benefits.)
- (b) such pension as is determined by the Board to be the equivalent of the contributor's rights in the fund;
- (ii) by inserting at the end of subsection three of the same section the following new paragraph:—
- (c) He shall not be entitled to count his service prior to retrenchment as service for the purpose of any other pension or benefit under this Act;
- (iii) by inserting at the end of subsection four of the same section the following words:—
- This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.
- (o) (i) by inserting at the end of subsection one of section thirty-eight the following words:— Sec. 38.  
(Resignation, dismissal, or discharge.)
- There shall be deducted from the lump sum payable under this subsection any amount received by such contributor as pension before such resignation, dismissal or discharge:
- Provided that such deduction shall in no case reduce the amount payable to the contributor under this subsection below the amount of contributions paid by him since any amount was last received by him as pension.
- (ii)



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*Superannuation (Amendment).*

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

This subsection shall not apply to and in respect of any employee to whom the provisions of paragraph (c) of the proviso to subsection two of section eleven of this Act applies.

Sec. 39.  
(Desertion  
of wife or  
child.)

- (p) (i) by inserting in subsection one of section thirty-nine after the words “such order” the words “which has been served on it or of which written notice has been given to it”;

- (ii) by inserting in subsection two of the same section after the words “such order” the words “made on its application or with any such order made on the application of the guardian where the same has been served on it or where written notice thereof has been given to it”;

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

(3) Where a certificate has been granted under subsection one of section 13A of the Deserted Wives and Children Act, 1901, as amended by subsequent Acts, the person entitled to receive the money ordered to be paid by the order to which the certificate relates may, in lieu of filing the certificate or causing the same to be filed as provided in subsection two of that section, file the same or cause it to be filed with the Board.

Where the defendant named in such certificate is a contributor who has resigned or been dismissed or discharged from the service of an employer and who has not been paid the lump sum referred to in subsection one of section thirty-eight of this Act, the Board may pay to the person entitled as aforesaid out of such lump sum the  
**amount**



*Superannuation (Amendment).*

amount specified in the certificate or so much as does not exceed such lump sum or the unpaid balance thereof.

Every payment made by the Board under the authority of this subsection shall be as valid as if made to the contributor.

- (q) by inserting at the end of section forty-five the following proviso:—

Sec. 45.  
(Payment  
of  
pensions.)

Provided that on and after a date to be appointed by the Governor and notified by proclamation published in the Gazette pensions shall be payable by twenty-six equal instalments per annum.

- (r) (i) by omitting from section forty-six the words “actuarially determined” where firstly occurring and by inserting in lieu thereof the words “determined by the Board”;

Sec. 46.  
(Actuarial  
reduction  
of pension  
of widow.)

- (ii) by omitting from the same section the word “actuarially” where secondly occurring.

- (s) by inserting in section sixty-one after the words “dates of payment” the following proviso:—

Sec. 61.  
(Transfer of  
insurance  
policies to  
Board.)

Provided that the Board or the person approved by the Board pursuant to this section may at any time prior to the maturity of any policy transferred to the Board or such person upon repayment of all moneys paid by the Board for premiums thereunder with compound interest thereon at the rate of three and one-half per centum per annum from the respective dates of payment release such policy to the employee.

- (2) The Superannuation (Amendment) Act, 1930, as amended by subsequent Acts, is further amended—

Further  
amendment of  
Act No. 31,  
1930.

- (a) by inserting next after subsection one of section two the following new subsections:—

Sec. 2.  
(Payments  
to fund by  
certain  
employers.)

(1A) Where an employer referred to in subsection one of this section is required by the provisions of that subsection to pay to the fund a sum in respect of an employee, and such employee is an employee who has been transferred

to



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*Superannuation (Amendment).*


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to the service of such employer from the service of any other employer, the sum so required to be paid shall be reduced by such amount as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(1B) In respect of any pension or benefit payable to an employee who has been transferred from the service of an employer mentioned in subsection one of this section to the service of another employer, the employer mentioned in that subsection shall pay to the fund such sum as the Board, having regard to the contributions paid in respect of such employee, determines on an actuarial basis.

(b) by omitting subsections two and (2A) of the same section.

(3) The Superannuation (Amendment) Act, 1935, is amended by omitting section six.

(4) The payment of any pension or benefit to a person whose employment at an hourly, daily, weekly or fortnightly rate or on piecework before becoming a contributor under the Principal Act has been counted as service in determining his eligibility for such pension or benefit, is hereby validated.

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

(a) by omitting from section thirty the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

(b) by omitting from section thirty-one the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

(c) by omitting from subsection one of section thirty-three the words “thirteen pounds” and by inserting in lieu thereof the words “twenty-six pounds”;

(d)

Amendment of  
Act No. 26,  
1935.  
(Consequen-  
tial.)  
Validation  
of certain  
payments.

Further  
amendment of  
Act No. 28,  
1916.  
Sec. 30.  
(Pension to  
widow and  
orphans on  
death of  
employee in  
service.)  
Sec. 31.  
(Pension to  
widow and  
orphans on  
death of  
pensioner after  
retirement.)  
Sec. 33.  
(Pension to  
orphans on  
death of  
employee or  
pensioner.)



*Superannuation (Amendment).*

- (d) by inserting next after section seventeen the following new section:—

New sec.  
17A.

17A. (1) Where a pension is payable pursuant to paragraph (b) of section thirty or paragraph (b) of section thirty-one or section thirty-three of this Act in respect of the children of a deceased contributor or pensioner or of the children of the widow or deceased wife of a deceased contributor or pensioner, the employer in whose service such contributor was employed at the date of his death or such pensioner was employed at the date of his retirement, shall pay to the fund at prescribed periods and on the requisition of the Board one-half of the amount of such pension.

Payments  
by em-  
ployers in  
respect of  
infants'  
pensions.

(2) Any amount payable under this section shall be in addition to any contribution or other payment which the employer may be required to make to the fund under this Act or the Superannuation (Amendment) Act, 1930, as amended by subsequent Acts.

(2) The amendments made by subsection one of this section shall apply to and in respect of pensions which are payable at the commencement of this Act as well as to and in respect of pensions which become payable after such commencement; but, in the case of pensions which are payable at such commencement the increased rate shall apply only as from the first day of the month next after the date of the commencement of this Act.

8. The Principal Act is further amended—

Further  
amendment of  
Act No. 28,  
1916.

- (a) by inserting at the end of section seventy the words "No person of or above the age of sixty-five years shall be eligible for appointment as president or member of the Board."

Sec. 70.  
(Constitu-  
tion of  
Board.)

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

Sec. 75.  
(Vacation  
of office.)

(2) A member of the Board (including the president) shall be deemed to have vacated his office



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*Superannuation (Amendment).*


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office on the day upon which he attains the age of sixty-five years.

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

Further amendment of Act No. 28, 1916.  
New sec. 75A.

Validity of acts and proceedings.

Sec. 80.  
(Corporate body.)

Sec. 84A.  
(Time limit for appeals as to gratuities under Civil Service Act and Public Service Acts.)

Sec. 85.  
(Settlement of disputes.)

New sec. 89A.

Evidence as to age, marriage or death.

- (a) by inserting next after section seventy-five the following new section:—

75A. No act or proceeding of the Board (whether before or after the commencement of the Superannuation (Amendment) Act, 1944) shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member of the Board.

- (b) by inserting in section eighty after the words “common seal” the words “and power to sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property; and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer”;

- (c) by inserting in section 84A after the words “he may” the words “within a period of six months from the date of payment of such gratuity”;

- (d) by inserting in section eighty-five after the word “may” where secondly occurring the words “within a period of six months from the date of such decision”;

- (e) by inserting next after section eighty-nine the following new section:—

89A. For the purposes of this Act the Board may require such evidence of the age, marriage, or death of any person as it deems necessary and in default of the production of such evidence the Board may itself obtain such evidence and deduct



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deduct the expenses incurred in obtaining the same from any moneys payable from the fund to the person from whom such evidence is required.

- (f) by omitting section ninety-four and by inserting in lieu thereof the following section:—

Subst. sec.  
94.

94. A person to whom a superannuation allowance under any Acts relating to the Public Service (including a pension under this Act) is payable shall not be deemed to be entitled to be paid such allowance or any part thereof in respect of any period in excess of three months in any year, during which he is employed in the service of the State, unless the Governor otherwise authorises by proclamation published in the Gazette:

Person entitled to pension subsequently employed in Public Service.

Provided that nothing in this section contained shall apply where such superannuation allowance is a pension payable under section thirty, section thirty-one, or section thirty-seven of this Act.

Any proclamation issued under the section which this section replaces and in force at the commencement of the Superannuation (Amendment) Act, 1944, shall be deemed to have been issued under this section.

*In the name and on behalf of His Majesty I assent to this Act.*

WAKEHURST,  
Governor.

Government House,  
Sydney, 19th April, 1944.



Supplementary (Continued)

deduct the expenses incurred in obtaining the same from the gross amount of the proceeds of the sale of the property, and the balance shall be paid to the person or persons entitled to the same.

(b) In the event the proceeds of the sale of the property are not sufficient to pay the expenses incurred in obtaining the same, the balance shall be paid to the person or persons entitled to the same.

24. A person to whom a sum of money is paid under the provisions of this Act shall be deemed to have received the same for the purpose of the provisions of this Act, and shall be liable to pay the same to the person or persons entitled to the same.

Provided that if the person or persons to whom the sum of money is paid under the provisions of this Act shall be a minor, the sum of money shall be paid to the guardian of the property of the minor.

25. Any person who shall fail to comply with the provisions of this Act shall be liable to a fine of not more than \$100, and to the costs of the proceedings.

In the name and on behalf of His Excellency I assent to this Act.

WAKEMAN  
Governor

Government House  
Sydney, 12th April, 1944