

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to provide for the automatic adjustment of certain pensions payable under the Superannuation Act, 1916; for these and other purposes to amend that Act; to validate certain matters; and for purposes connected therewith.

BE

Superannuation (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Superannuation (Further Amendment) Act, 1974". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Section 3 shall be deemed to have commenced on 27th September, 1974.

3. The Superannuation Act, 1916, is amended—

Amendment
of Act No.
28, 1916.

(a) by inserting in section 2 after the matter relating to Division 5 of Part IV the following matter :— Sec. 2.
(Division
of Act.)

15 DIVISION 6.—*Automatic adjustment of pensions*
—ss. 61B–61K.

(b) by inserting at the end of section 17B the following subsection :— Sec. 17B.
(Additional
payment by
employers
in respect
of increase
in pension
unit value.)

20 (10) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(c)

Superannuation (Further Amendment).

(c) by inserting at the end of section 17C the following subsection :—

Sec. 17c.
(Additional payment by employers in respect of persons becoming contributors after 1.7.63.)

5

(7) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(d) by inserting after section 21A (1A) the following subsection :—

Sec. 21A.
(Commuting of pension.)

10

(1B) Notwithstanding anything in subsection (1), this section does not authorise the commutation of the amount of any increase of pension payable under Division 6 of Part IV.

(e) by inserting after section 51 (2) the following subsections :—

Sec. 51.
(Employee restored to health may be recalled to service.)

15

(3) Notwithstanding anything in this Act—

20

(a) where a person is retired under section 22 within five years of again becoming a contributor following a previous retirement under that section, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension thereafter first becomes payable to him, the rate at which it is payable shall be that at which it would have been payable to him had he continued in his last retirement (disregarding any retirement of that person to which subsection (2) (b) applied)

25

instead

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instead of again becoming a contributor and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted ; and

5 (b) where a contributor dies within five years of having again become a contributor following a previous retirement under section 22, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension there-
10 after first becomes payable to his widow, the rate at which it is payable shall be that at which it would have been payable to her had her late husband—

15 (i) where he has been retired under section 22 once only—continued in that retirement instead of his again becoming a contributor ; or

20 (ii) where he has been so retired more than once—continued in his last retirement (disregarding any retirement of his to which subsection (2) (b) applied) instead of again becoming a contributor,

25 and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

30 (4) Without affecting the operation of subsection (3), Part II of the Superannuation (Amendment) Act, 1974, does not apply to a pension referred to in subsection (3).

(f)

Superannuation (Further Amendment).

- (f) by inserting after Division 5 of Part IV the following ^{Part IV,}
Division :— ^{Div. 6.}

DIVISION 6.—*Automatic adjustment of pensions.*

5 61B. (1) In this Division, except in so far as the ^{Interpreta-}
context or subject-matter otherwise indicates or ^{tion: Div. 6}
requires— ^{of Pt. IV.}

10 “adjustment date”, in relation to a year, means
the first day of the pension pay period that
ends on the first pension pay day in the
October that next follows that year;

“adjustment percentage”, in relation to a year,
means (subject to section 61C (2)) the
percentage for that year, calculated in
accordance with section 61C;

15 “Index number”, in relation to a June quarter,
means the number for that June quarter
appearing in the Consumer Price Index (All
Groups Index) for Sydney published by the
Commonwealth Statistician under the
20 Census and Statistics Act 1905–1966 of the
Parliament of the Commonwealth or that
Act as amended from time to time or any
Act of that Parliament passed in substitution
therefor;

25 “June quarter”, in relation to a year, means the
period commencing on and including 1st
April in that year and ending on and
including 30th June in that year;

“pension”—

30 (a) subject to paragraph (b), means—

(i) pension payable under this
Act; and

35 (ii) pension wholly paid or
recouped from the Con-
solidated Revenue Fund or
the funds of an employer;
and

(b)

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(b) does not include—

- (i) pension that has been commuted under section 21A or 21B; or
- 5 (ii) pension payable in respect of a child or a student;

“quarter”, in relation to a year, means—

- 10 (a) the period commencing on and including 1st July in that year and ending on and including 30th September in that year;
- 15 (b) the period commencing on and including 1st October in that year and ending on and including 31st December in that year;
- (c) the period commencing on and including 1st January in that year and ending on and including 31st March in that year; or
- 20 (d) the period commencing on and including 1st April in that year and ending on and including 30th June in that year;

25 “suspended part of a pension”, in relation to an adjustment date, means, where any part of an increase in pension was not payable at that adjustment date by reason only of the operation of section 2 (5) of the Superannuation (Amendment) Act, 1971, section 7 of the Superannuation (Amendment) Act, 1974, or section 61I of this Act, the
30 unpaid part of that increase;

“suspended

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“suspended pension”, in relation to an adjustment date, means—

- 5
- (a) a pension that was not payable under section 30 or 31 at that adjustment date by reason only of the marriage of a person; or
 - (b) a pension that was not payable at that adjustment date by reason only of the operation of section 94;

10 “year” means—

- (a) the period commencing on and including 1st July, 1973, and ending on and including 30th June, 1974; or
- 15 (b) a subsequent period commencing on and including 1st July and ending on and including 30th June.

(2) Where a pension is to be adjusted under this Division by reference to the adjustment percentage for a year, a reference (however expressed) in this Division to adjusting the pension is a reference to—

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- 25 (a) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (a)—increasing the pension; or
 - (b) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (b)—reducing the pension.
- 30

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61c. (1) For the purposes of the definition of "adjustment percentage" in section 61B (1), the percentage for a year shall be calculated— Calculation of adjustment percentage.

- 5 (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

10
$$P = \frac{100 (C - L)}{L}$$

- 15 (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (L - C)}{L}$$

where—

20 P is the percentage to be obtained;

C is the Index number for the June quarter in that year; and

L is the Index number for the immediately preceding June quarter.

25 (2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum; or

(b)

Superannuation (Further Amendment).

(b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter, there shall be deemed to be no adjustment percentage for that year.

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(3) Where there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the percentage for the next year—

(a) the Index number for the June quarter in the firstmentioned year shall be deemed not to have been published; and

10

(b) the Index number for that quarter shall be deemed to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.

15

(4) If at any time, whether before or after the commencement of this Division, the Commonwealth Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

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(a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

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(b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number,

for the purposes of this Division.

(5)

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5 (5) Notwithstanding subsection (4), if at any time after the commencement of this Division the Commonwealth Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Division after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

10 61D. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby
15 adjusted, on and from that adjustment date, by that percentage.

Adjustment of pensions: general cases.

(2) This section applies to—

- (a) a person who last became a pensioner before 1st July in the particular year;
- 20 (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner before 1st July in the particular year and died before the adjustment date for that year; and
- 25 (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor
30 following a retirement under section 22 before 1st July in that year.

(3)

Superannuation (Further Amendment).

5 (3) A reference in subsection (1) to a pension payable to a person includes a reference to the pension that would have been payable to him had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

10 61E. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby adjusted, on and from that adjustment date, by the percentage calculated in accordance with the formula set out in subsection (3). Adjustment of pensions: partial adjustment.

15 (2) This section applies to—

- (a) a person who last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year, other than a person referred to in paragraph (c) ;
- 20 (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year and died before the adjustment date for that year; and
- 25 (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22 on or after 1st July in that year but on or before 31st March in that year,

30 but does not apply to a person to whom section 61D applies.

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(3)

Superannuation (Further Amendment).

(3) The formula referred to in subsection (1) is—

$$A = P \times \frac{Q}{4}$$

where—

A is the percentage by which the pension is to be adjusted;

P is the adjustment percentage for the particular year; and

Q is the number of whole quarters of the particular year, being whole quarters after—

(a) in the case of a person referred to in subsection (2) (a)—the person last became a pensioner;

(b) in the case of a person referred to in subsection (2) (b)—her late pensioner husband last became a pensioner; or

(c) in the case of a person referred to in subsection (2) (c)—

(i) where her late husband had been retired under section 22 once only—her late husband was so retired; or

(ii) where her late husband had been so retired more than once—her late husband was last so retired, disregarding any retirement of her late husband to which section 51 (2) (b) applied.

Superannuation (Further Amendment).

61F. (1) In determining when a pensioner last became a pensioner for the purposes of section 61D or 61E, regard shall not be had to any retirement to which section 51 (2) (b) applied.

Application of secs. 61D and 61E to break-down pensions and suspended pensions.

5 (2) Section 61D or 61E, as the case may require, applies to and in respect of a suspended pension in the same way as it applies to and in respect of a pension referred to therein, and so applies as if—

10 (a) the marriage by reason of which the pension is a suspended pension had not taken place; or

(b) section 94 had not been enacted,

15 as the case may require, but nothing in this subsection operates so as to authorise or require the payment at any time of that suspended pension or any part thereof.

20 61G. (1) Where an increase in pension is payable to a pensioner under the Superannuation (Amendment) Act, 1970, then, as on and from the date (being not earlier than the commencement of this Division) on which the increase is payable, the rate at which it is payable shall be that at which it would be payable to him had he been in receipt of the increase at the commencement of Part II of the Superannuation (Amendment) Act, 1974.

Certain increases under Superannuation (Amendment) Act, 1970.

Superannuation (Further Amendment).

(2) Without affecting the operation of subsection (1), Part II of the Superannuation (Amendment) Act, 1974, does not apply to an increase in pension referred to in subsection (1).

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61H. Notwithstanding anything in this Division—

Minimum amount to which pensions may be reduced.

(a) a pension (other than a pension payable to a person by virtue of her being a widow of a pensioner) shall not be reduced below the fortnightly amount that would, if this Division had not been enacted, have been payable; and

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(b) a pension payable to a person by virtue of her being a widow of a pensioner shall not be reduced below the fortnightly amount that would have been payable to her by reference to the pension that would, if this Division had not been enacted, have been payable to her late husband.

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61I. (1) Where the operation of the provisions of this Division would increase the pension payable to a person, or a widow's pension would be increased by reason of the operation of those provisions in relation to her late husband, and that person or widow would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person or widow, the amount of the increase shall be such lesser amount than that provided for under this

Suspension of increase in pension in certain circumstances.

25

Division

Superannuation (Further Amendment).

5 Division as the Board from time to time determines, and the amount of the increase so determined shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

10 (2) An increase or part of an increase that is not paid because of the operation of subsection (1) shall, in calculating a pension payable under section 30 or 31, be taken into account as if it had been payable.

15 61J. (1) Where, by virtue of there being an adjustment percentage for a year, an increased pension is payable to a pensioner or to the widow of a deceased pensioner or contributor, the employer in whose service the pensioner or deceased pensioner was employed at the date of his retirement or retrenchment, or in whose service the contributor was employed at the date of his death, shall pay to the Fund at such intervals as may be determined by the Board and on the requisition of the Board, an amount equal to the difference between the amount of the pension payable under this Division and the amount of pension that would have been payable had there been no adjustment percentage for that year. Additional payment by employers.

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

Superannuation (Further Amendment).

61K. Where a percentage that is to be calculated under this Division is or includes a fraction of one-tenth of one per centum—

- 5
- (a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and
 - (b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[15c]

No. , 1974.

A BILL

To provide for the automatic adjustment of certain pensions payable under the Superannuation Act, 1916; for these and other purposes to amend that Act; to validate certain matters; and for purposes connected therewith.

[MR MADDISON—20 November, 1974.]

BE

Superannuation (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Superannuation (Further Amendment) Act, 1974". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Section 3 shall be deemed to have commenced on 27th September, 1974.

3. The Superannuation Act, 1916, is amended— Amendment
of Act No.
28, 1916.

(a) by inserting in section 2 after the matter relating to Division 5 of Part IV the following matter :— Sec. 2.
(Division
of Act.)

15 **DIVISION 6.—Automatic adjustment of pensions**
—ss. 61B–61K.

(b) by inserting at the end of section 17B the following subsection :— Sec. 17B.
(Additional
payment by
employers
in respect
of increase
in pension
unit value.)

20 (10) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(c)

Superannuation (Further Amendment).

(c) by inserting at the end of section 17C the following subsection :—

Sec. 17c.
(Additional payment by employers in respect of persons becoming contributors after 1.7.63.)

5

(7) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(d) by inserting after section 21A (1A) the following subsection :—

Sec. 21A.
(Commuting of pension.)

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(1B) Notwithstanding anything in subsection (1), this section does not authorise the commutation of the amount of any increase of pension payable under Division 6 of Part IV.

(e) by inserting after section 51 (2) the following subsections :—

Sec. 51.
(Employee restored to health may be recalled to service.)

15

(3) Notwithstanding anything in this Act—

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(a) where a person is retired under section 22 within five years of again becoming a contributor following a previous retirement under that section, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension thereafter first becomes payable to him, the rate at which it is payable shall be that at which it would have been payable to him had he continued in his last retirement (disregarding any retirement of that person to which subsection (2) (b) applied)

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instead

Superannuation (Further Amendment).

instead of again becoming a contributor and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted; and

5 (b) where a contributor dies within five years
of having again become a contributor
following a previous retirement under
section 22, then, as on and from the date
10 (being not earlier than the commencement
of this subsection) on which pension there-
after first becomes payable to his widow, the
rate at which it is payable shall be that at
which it would have been payable to her had
her late husband—

15 (i) where he has been retired under
section 22 once only—continued in
that retirement instead of his again
becoming a contributor; or

20 (ii) where he has been so retired more
than once—continued in his last
retirement (disregarding any retire-
ment of his to which subsection (2)
(b) applied) instead of again
becoming a contributor,

25 and had the provisions referred to in the
definition of "suspended part of a pension"
in section 61B (1) not been enacted.

30 (4) Without affecting the operation of
subsection (3), Part II of the Superannuation
(Amendment) Act, 1974, does not apply to a
pension referred to in subsection (3).

(f)

Superannuation (Further Amendment).

- (f) by inserting after Division 5 of Part IV the following Part IV,
Div. 6.
Division :—

DIVISION 6.—Automatic adjustment of pensions.

5 61B. (1) In this Division, except in so far as the Interpreta-
tion: Div. 6
of Pt. IV.
context or subject-matter otherwise indicates or
requires—

10 “adjustment date”, in relation to a year, means
the first day of the pension pay period that
ends on the first pension pay day in the
October that next follows that year;

“adjustment percentage”, in relation to a year,
means (subject to section 61C (2)) the
percentage for that year, calculated in
accordance with section 61C;

15 “Index number”, in relation to a June quarter,
means the number for that June quarter
appearing in the Consumer Price Index (All
Groups Index) for Sydney published by the
Commonwealth Statistician under the
20 Census and Statistics Act 1905–1966 of the
Parliament of the Commonwealth or that
Act as amended from time to time or any
Act of that Parliament passed in substitution
therefor;

25 “June quarter”, in relation to a year, means the
period commencing on and including 1st
April in that year and ending on and
including 30th June in that year;

“pension”—

30 (a) subject to paragraph (b), means—

(i) pension payable under this
Act; and

35 (ii) pension wholly paid or
recouped from the Con-
solidated Revenue Fund or
the funds of an employer;
and

(b)

Superannuation (Further Amendment).

(b) does not include—

- (i) pension that has been com-
muted under section 21A or
21B; or
- 5 (ii) pension payable in respect of
a child or a student;

“quarter”, in relation to a year, means—

- 10 (a) the period commencing on and
including 1st July in that year and
ending on and including 30th
September in that year;
- 15 (b) the period commencing on and
including 1st October in that year
and ending on and including 31st
December in that year;
- (c) the period commencing on and
including 1st January in that year
and ending on and including 31st
March in that year; or
- 20 (d) the period commencing on and
including 1st April in that year and
ending on and including 30th June
in that year;

25 “suspended part of a pension”, in relation to an
adjustment date, means, where any part of
an increase in pension was not payable at
that adjustment date by reason only of the
operation of section 2 (5) of the Super-
annuation (Amendment) Act, 1971, section
30 7 of the Superannuation (Amendment)
Act, 1974, or section 61I of this Act, the
unpaid part of that increase;

“suspended

Superannuation (Further Amendment).

“suspended pension”, in relation to an adjustment date, means—

- 5 (a) a pension that was not payable under section 30 or 31 at that adjustment date by reason only of the marriage of a person; or
- (b) a pension that was not payable at that adjustment date by reason only of the operation of section 94;

10 “year” means—

- (a) the period commencing on and including 1st July, 1973, and ending on and including 30th June, 1974; or
- 15 (b) a subsequent period commencing on and including 1st July and ending on and including 30th June.

(2) Where a pension is to be adjusted under this Division by reference to the adjustment percentage for a year, a reference (however expressed) in this Division to adjusting the pension is a reference to—

- 25 (a) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (a)—increasing the pension; or
- (b) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (b)—reducing
- 30 the pension.

(c)

61c.

Superannuation (Further Amendment).

61c. (1) For the purposes of the definition of Calculation of adjustment percentage.
 “adjustment percentage” in section 61B (1), the percentage for a year shall be calculated—

- 5 (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

10
$$P = \frac{100 (C - L)}{L}$$

- 15 (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (L - C)}{L}$$

where—

- 20 P is the percentage to be obtained ;
 C is the Index number for the June quarter in that year ; and
 L is the Index number for the immediately preceding June quarter.

- 25 (2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum ; or

(b)

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(b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter, there shall be deemed to be no adjustment percentage for that year.

(3) Where there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the percentage for the next year—

(a) the Index number for the June quarter in the firstmentioned year shall be deemed not to have been published; and

(b) the Index number for that quarter shall be deemed to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after the commencement of this Division, the Commonwealth Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

(a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

(b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number,

for the purposes of this Division.

(5)

Superannuation (Further Amendment).

5 (5) Notwithstanding subsection (4), if at any time after the commencement of this Division the Commonwealth Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Division after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

10 61D. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby
15 adjusted, on and from that adjustment date, by that percentage.

(2) This section applies to—

- (a) a person who last became a pensioner before 1st July in the particular year;
- 20 (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner before 1st July in the particular year and died before the adjustment date for that year; and
- 25 (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor
30 following a retirement under section 22 before 1st July in that year.

(3)

Superannuation (Further Amendment).

5 (3) A reference in subsection (1) to a pension payable to a person includes a reference to the pension that would have been payable to him had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

10 61E. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby adjusted, on and from that adjustment date, by the percentage calculated in accordance with the formula set out in subsection (3).
Adjustment of pensions: partial adjustment.

15 (2) This section applies to—

(a) a person who last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year, other than a person referred to in paragraph (c);

20 (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year and died before the adjustment date for that year; and

25 (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22 on or after 1st July in that year but on or before 31st March in that year,

30 but does not apply to a person to whom section 61D applies.

35 (3)

Superannuation (Further Amendment).

(3) The formula referred to in subsection (1) is—

$$A = P \times \frac{Q}{4}$$

where—

A is the percentage by which the pension is to be adjusted;

P is the adjustment percentage for the particular year; and

Q is the number of whole quarters of the particular year, being whole quarters after—

(a) in the case of a person referred to in subsection (2) (a)—the person last became a pensioner;

(b) in the case of a person referred to in subsection (2) (b)—her late pensioner husband last became a pensioner; or

(c) in the case of a person referred to in subsection (2) (c)—

(i) where her late husband had been retired under section 22 once only—her late husband was so retired; or

(ii) where her late husband had been so retired more than once—her late husband was last so retired, disregarding any retirement of her late husband to which section 51 (2) (b) applied.

Superannuation (Further Amendment).

61F. (1) In determining when a pensioner last became a pensioner for the purposes of section 61D or 61E, regard shall not be had to any retirement to which section 51 (2) (b) applied.

Application of secs. 61D and 61E to break-down pensions and suspended pensions.

5 (2) Section 61D or 61E, as the case may require, applies to and in respect of a suspended pension in the same way as it applies to and in respect of a pension referred to therein, and so applies as if—

10 (a) the marriage by reason of which the pension is a suspended pension had not taken place; or

(b) section 94 had not been enacted,

15 as the case may require, but nothing in this subsection operates so as to authorise or require the payment at any time of that suspended pension or any part thereof.

20 61G. (1) Where an increase in pension is payable to a pensioner under the Superannuation (Amendment) Act, 1970, then, as on and from the date (being not earlier than the commencement of this Division) on which the increase is payable, the rate at which it is payable shall be that at which it would be payable to him had he been in receipt of the increase at the commencement of Part II of the Superannuation (Amendment) Act, 1974.

Certain increases under Superannuation (Amendment) Act, 1970.

Superannuation (Further Amendment).

(2) Without affecting the operation of subsection (1), Part II of the Superannuation (Amendment) Act, 1974, does not apply to an increase in pension referred to in subsection (1).

5 61H. Notwithstanding anything in this Division— Minimum amount to which pensions may be reduced.

10 (a) a pension (other than a pension payable to a person by virtue of her being a widow of a pensioner) shall not be reduced below the fortnightly amount that would, if this Division had not been enacted, have been payable; and

15 (b) a pension payable to a person by virtue of her being a widow of a pensioner shall not be reduced below the fortnightly amount that would have been payable to her by reference to the pension that would, if this Division had not been enacted, have been payable to her late husband.

20 61I. (1) Where the operation of the provisions of this Division would increase the pension payable to a person, or a widow's pension would be increased by reason of the operation of those provisions in relation to her late husband, and that person or widow would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person or widow, the amount of the increase shall be such lesser amount than that provided for under this Suspension of increase in pension in certain circumstances.

25

Division

Superannuation (Further Amendment).

5 Division as the Board from time to time determines, and the amount of the increase so determined shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

10 (2) An increase or part of an increase that is not paid because of the operation of subsection (1) shall, in calculating a pension payable under section 30 or 31, be taken into account as if it had been payable.

15 61J. (1) Where, by virtue of there being an adjustment percentage for a year, an increased pension is payable to a pensioner or to the widow of a deceased pensioner or contributor, the employer in whose service the pensioner or deceased pensioner was employed at the date of his retirement or retrenchment, or in whose service the contributor was employed at the date of his death, shall pay to the Fund at such intervals as may be determined by the Board and on the requisition of the Board, an amount equal to the difference between the amount of the pension payable under this Division and the amount of pension that would have been payable had there been no adjustment percentage for that year. ^{Additional payment by employers.}

20

25

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

Superannuation (Further Amendment).

61K. Where a percentage that is to be calculated under this Division is or includes a fraction of one-tenth of one per centum—

Calculation of percentages.

5

- (a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and
- (b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[15c]

SUPERANNUATION (FURTHER AMENDMENT) BILL, 1974

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide for the automatic annual adjustment of certain pensions by reference to the percentage increase or decrease in the Consumer Price Index (All Groups Index) for Sydney during the year 1973-4 and in each subsequent year, unless the percentage is less than one per cent.;
- (b) to provide that the full adjustment percentage is applicable to a pension that emerged before the year immediately preceding an adjustment;
- (c) to provide that the proportion of the adjustment percentage applicable to a pension that emerged during the year immediately preceding an adjustment is as follows:—

Month of emergence of the pension in that year.	Proportion of adjustment percentage applicable at next adjustment.
July, August, September	three-quarters
October, November, December	one-half
January, February, March	one-quarter
April, May, June	Nil

- (d) to treat (for the purposes of paragraphs (b) and (c)) the pension payable to the widow of a pensioner as having emerged when her late husband's pension emerged;
- (e) to ensure that those adjustments are made in respect of certain suspended pensions or suspended parts of pensions;
- (f) to require that a breakdown retirement to which section 51 (2) (b) of the Superannuation Act, 1916, applied be disregarded for the purposes of paragraphs (b) and (c), being the second or subsequent breakdown retirement within five years;
- (g) to limit the amount to which a pension may be reduced by the operation of the above provisions, so that the pension is not reduced below the amount at which it emerged;
- (h) to authorise the State Superannuation Board to suspend the whole or part of an increase where payment of the increase or part would prejudicially affect any benefits otherwise receivable by the pensioner;

- (i) to provide that the pension payable to a widow is to be calculated by reference to her late husband's pension as if the part of his pension so suspended had been payable;
 - (j) to enact that an increase in a pension (arising as referred to in the Bill) is to be financed by the former employer of the pensioner;
 - (k) to prevent an increase in a pension (arising as referred to in the Bill) from being commuted to a lump sum; and
 - (l) to make other provisions of a minor, consequential or ancillary character.
-

PROOF

No. , 1974.

A BILL

To provide for the automatic adjustment of certain pensions payable under the Superannuation Act, 1916; for these and other purposes to amend that Act; to validate certain matters; and for purposes connected therewith.

[MR MADDISON—20 November, 1974.]

BE

Superannuation (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Superannuation (Further Amendment) Act, 1974". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Section 3 shall be deemed to have commenced on 27th September, 1974.

3. The Superannuation Act, 1916, is amended— Amendment
of Act No.
28, 1916.

(a) by inserting in section 2 after the matter relating to Division 5 of Part IV the following matter :— Sec. 2.
(Division
of Act.)

15 **DIVISION 6.—Automatic adjustment of pensions**
—ss. 61B–61K.

(b) by inserting at the end of section 17B the following subsection :— Sec. 17B.
(Additional
payment by
employers
in respect
of increase
in pension
unit value.)

20 (10) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(c)

Superannuation (Further Amendment).

(c) by inserting at the end of section 17C the following subsection :—

Sec. 17C.
(Additional payment by employers in respect of persons becoming contributors after 1.7.63.)

5

(7) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(d) by inserting after section 21A (1A) the following subsection :—

Sec. 21A.
(Commuting of pension.)

10

(1B) Notwithstanding anything in subsection (1), this section does not authorise the commutation of the amount of any increase of pension payable under Division 6 of Part IV.

(e) by inserting after section 51 (2) the following subsections :—

Sec. 51.
(Employee restored to health may be recalled to service.)

15

(3) Notwithstanding anything in this Act—

20

25

(a) where a person is retired under section 22 within five years of again becoming a contributor following a previous retirement under that section, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension thereafter first becomes payable to him, the rate at which it is payable shall be that at which it would have been payable to him had he continued in his last retirement (disregarding any retirement of that person to which subsection (2) (b) applied)

instead

Superannuation (Further Amendment).

instead of again becoming a contributor and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted; and

5 (b) where a contributor dies within five years
of having again become a contributor
following a previous retirement under
section 22, then, as on and from the date
10 (being not earlier than the commencement
of this subsection) on which pension there-
after first becomes payable to his widow, the
rate at which it is payable shall be that at
which it would have been payable to her had
her late husband—

15 (i) where he has been retired under
section 22 once only—continued in
that retirement instead of his again
becoming a contributor; or

20 (ii) where he has been so retired more
than once—continued in his last
retirement (disregarding any retire-
ment of his to which subsection (2)
(b) applied) instead of again
becoming a contributor,

25 and had the provisions referred to in the
definition of "suspended part of a pension"
in section 61B (1) not been enacted.

30 (4) Without affecting the operation of
subsection (3), Part II of the Superannuation
(Amendment) Act, 1974, does not apply to a
pension referred to in subsection (3).

(f)

Superannuation (Further Amendment).

(f) by inserting after Division 5 of Part IV the following ^{Part IV,}
Division :— _{Div. 6.}

DIVISION 6.—Automatic adjustment of pensions.

5 61B. (1) In this Division, except in so far as the ^{Interpreta-}
context or subject-matter otherwise indicates or _{tion: Div. 6}
requires— _{of Pt. IV.}

10 “adjustment date”, in relation to a year, means
the first day of the pension pay period that
ends on the first pension pay day in the
October that next follows that year ;

“adjustment percentage”, in relation to a year,
means (subject to section 61c (2)) the
percentage for that year, calculated in
accordance with section 61c ;

15 “Index number”, in relation to a June quarter,
means the number for that June quarter
appearing in the Consumer Price Index (All
Groups Index) for Sydney published by the
Commonwealth Statistician under the
20 Census and Statistics Act 1905–1966 of the
Parliament of the Commonwealth or that
Act as amended from time to time or any
Act of that Parliament passed in substitution
therefor ;

25 “June quarter”, in relation to a year, means the
period commencing on and including 1st
April in that year and ending on and
including 30th June in that year ;

30 “pension”—
(a) subject to paragraph (b), means—

(i) pension payable under this
Act ; and

35 (ii) pension wholly paid or
recouped from the Con-
solidated Revenue Fund or
the funds of an employer ;
and

(b)

Superannuation (Further Amendment).

(b) does not include—

- (i) pension that has been com-
puted under section 21A or
21B; or
- 5 (ii) pension payable in respect of
a child or a student;

“quarter”, in relation to a year, means—

- 10 (a) the period commencing on and
including 1st July in that year and
ending on and including 30th
September in that year;
- 15 (b) the period commencing on and
including 1st October in that year
and ending on and including 31st
December in that year;
- (c) the period commencing on and
including 1st January in that year
and ending on and including 31st
March in that year; or
- 20 (d) the period commencing on and
including 1st April in that year and
ending on and including 30th June
in that year;

25 “suspended part of a pension”, in relation to an
adjustment date, means, where any part of
an increase in pension was not payable at
that adjustment date by reason only of the
operation of section 2 (5) of the Super-
annuation (Amendment) Act, 1971, section
30 7 of the Superannuation (Amendment)
Act, 1974, or section 611 of this Act, the
unpaid part of that increase;

“suspended

Superannuation (Further Amendment).

“suspended pension”, in relation to an adjustment date, means—

- 5 (a) a pension that was not payable under section 30 or 31 at that adjustment date by reason only of the marriage of a person; or
- (b) a pension that was not payable at that adjustment date by reason only of the operation of section 94;

10 “year” means—

- (a) the period commencing on and including 1st July, 1973, and ending on and including 30th June, 1974; or
- 15 (b) a subsequent period commencing on and including 1st July and ending on and including 30th June.

(2) Where a pension is to be adjusted under this Division by reference to the adjustment percentage for a year, a reference (however expressed) in this Division to adjusting the pension is a reference to—

20

(a) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (a)—increasing the pension; or

25

(b) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (b)—reducing the pension.

30

Superannuation (Further Amendment).

61C. (1) For the purposes of the definition of "adjustment percentage" in section 61B (1), the percentage for a year shall be calculated— Calculation of adjustment percentage.

- 5 (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

10
$$P = \frac{100 (C - L)}{L}$$

- 15 (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (L - C)}{L}$$

where—

- 20 P is the percentage to be obtained;
- C is the Index number for the June quarter in that year; and
- L is the Index number for the immediately preceding June quarter.

25 (2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum; or

(b)

Superannuation (Further Amendment).

(b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter, there shall be deemed to be no adjustment percentage for that year.

(3) Where there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the percentage for the next year—

(a) the Index number for the June quarter in the firstmentioned year shall be deemed not to have been published; and

(b) the Index number for that quarter shall be deemed to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after the commencement of this Division, the Commonwealth Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

(a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

(b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number,

for the purposes of this Division.

(5)

Superannuation (Further Amendment).

5 (5) Notwithstanding subsection (4), if at any time after the commencement of this Division the Commonwealth Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Division after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

10 61D. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby
15 adjusted, on and from that adjustment date, by that percentage.

(2) This section applies to—

- (a) a person who last became a pensioner before 1st July in the particular year;
- 20 (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner before 1st July in the particular year and died before the adjustment date for that year; and
- 25 (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22
30 before 1st July in that year.

(3)

Superannuation (Further Amendment).

5 (3) A reference in subsection (1) to a pension payable to a person includes a reference to the pension that would have been payable to him had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

10 61E. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby adjusted, on and from that adjustment date, by the percentage calculated in accordance with the formula set out in subsection (3).
Adjustment of pensions: partial adjustment.

- 15 (2) This section applies to—
- 20 (a) a person who last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year, other than a person referred to in paragraph (c);
 - 25 (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year and died before the adjustment date for that year; and
 - 30 (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22 on or after 1st July in that year but on or before 31st March in that year,

35 but does not apply to a person to whom section 61D applies.

(3)

Superannuation (Further Amendment).

(3) The formula referred to in subsection (1) is—

$$A = P \times \frac{Q}{4}$$

where—

A is the percentage by which the pension is to be adjusted;

P is the adjustment percentage for the particular year; and

Q is the number of whole quarters of the particular year, being whole quarters after—

(a) in the case of a person referred to in subsection (2) (a)—the person last became a pensioner;

(b) in the case of a person referred to in subsection (2) (b)—her late pensioner husband last became a pensioner; or

(c) in the case of a person referred to in subsection (2) (c)—

(i) where her late husband had been retired under section 22 once only—her late husband was so retired; or

(ii) where her late husband had been so retired more than once—her late husband was last so retired, disregarding any retirement of her late husband to which section 51 (2) (b) applied.

Superannuation (Further Amendment).

61F. (1) In determining when a pensioner last became a pensioner for the purposes of section 61D or 61E, regard shall not be had to any retirement to which section 51 (2) (b) applied.

Application of secs. 61D and 61E to break-down pensions and suspended pensions.

5 (2) Section 61D or 61E, as the case may require, applies to and in respect of a suspended pension in the same way as it applies to and in respect of a pension referred to therein, and so applies as if—

10 (a) the marriage by reason of which the pension is a suspended pension had not taken place; or

(b) section 94 had not been enacted,

15 as the case may require, but nothing in this subsection operates so as to authorise or require the payment at any time of that suspended pension or any part thereof.

20 61G. (1) Where an increase in pension is payable to a pensioner under the Superannuation (Amendment) Act, 1970, then, as on and from the date (being not earlier than the commencement of this Division) on which the increase is payable, the rate at which it is payable shall be that at which it would be payable to him had he been in receipt of the increase at the commencement of Part II of the Superannuation (Amendment) Act, 1974.

Certain increases under Superannuation (Amendment) Act, 1970.

25

Superannuation (Further Amendment).

(2) Without affecting the operation of subsection (1), Part II of the Superannuation (Amendment) Act, 1974, does not apply to an increase in pension referred to in subsection (1).

5 61H. Notwithstanding anything in this Division— **Minimum amount to which pensions may be reduced.**

(a) a pension (other than a pension payable to a person by virtue of her being a widow of a pensioner) shall not be reduced below the fortnightly amount that would, if this Division had not been enacted, have been payable; and

10
15 (b) a pension payable to a person by virtue of her being a widow of a pensioner shall not be reduced below the fortnightly amount that would have been payable to her by reference to the pension that would, if this Division had not been enacted, have been payable to her late husband.

20 61I. (1) Where the operation of the provisions of this Division would increase the pension payable to a person, or a widow's pension would be increased by reason of the operation of those provisions in relation to her late husband, and that person or widow would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person or widow, the amount of the increase shall be such lesser amount than that provided for under this **Suspension of increase in pension in certain circumstances.**

25
Division

Superannuation (Further Amendment).

5 Division as the Board from time to time determines, and the amount of the increase so determined shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

10 (2) An increase or part of an increase that is not paid because of the operation of subsection (1) shall, in calculating a pension payable under section 30 or 31, be taken into account as if it had been payable.

15 61J. (1) Where, by virtue of there being an adjustment percentage for a year, an increased pension is payable to a pensioner or to the widow of a deceased pensioner or contributor, the employer in whose service the pensioner or deceased pensioner was employed at the date of his retirement or retrenchment, or in whose service the contributor was employed at the date of his death, shall pay to the Fund at such intervals as may be determined by the Board and on the requisition of the Board, an amount equal to the difference between the amount of the pension payable under this Division and the amount of pension that would have been payable had there been no adjustment percentage for that year.

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

61k.

Superannuation (Further Amendment).

61K. Where a percentage that is to be calculated under this Division is or includes a fraction of one-tenth of one per centum—

Calculation
of
percentages.

- 5
- (a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and
 - (b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 104, 1974.

An Act to provide for the automatic adjustment of certain pensions payable under the Superannuation Act, 1916; for these and other purposes to amend that Act; to validate certain matters; and for purposes connected therewith. [Assented to, 13th December, 1974.]

BE

Superannuation (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Superannuation (Further Amendment) Act, 1974".

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

(2) Section 3 shall be deemed to have commenced on 27th September, 1974.

Amendment of Act No. 28, 1916. **3.** The Superannuation Act, 1916, is amended—

Sec. 2.
(Division of Act.) (a) by inserting in section 2 after the matter relating to Division 5 of Part IV the following matter:—

DIVISION 6.—*Automatic adjustment of pensions*
—ss. 61B–61K.

Sec. 17B.
(Additional payment by employers in respect of increase in pension unit value.) (b) by inserting at the end of section 17B the following subsection:—

(10) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(c)

Superannuation (Further Amendment).

- (c) by inserting at the end of section 17C the following subsection :—

Sec. 17C.
(Additional payment by employers in respect of persons becoming contributors after 1.7.63.)

(7) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

- (d) by inserting after section 21A (1A) the following subsection :—

Sec. 21A.
(Commuting of pension.)

(1B) Notwithstanding anything in subsection (1), this section does not authorise the commutation of the amount of any increase of pension payable under Division 6 of Part IV.

- (e) by inserting after section 51 (2) the following subsections :—

Sec. 51.
(Employee restored to health may be recalled to service.)

(3) Notwithstanding anything in this Act—

- (a) where a person is retired under section 22 within five years of again becoming a contributor following a previous retirement under that section, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension thereafter first becomes payable to him, the rate at which it is payable shall be that at which it would have been payable to him had he continued in his last retirement (disregarding any retirement of that person to which subsection (2) (b) applied)

instead

Superannuation (Further Amendment).

instead of again becoming a contributor and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted; and

(b) where a contributor dies within five years of having again become a contributor following a previous retirement under section 22, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension thereafter first becomes payable to his widow, the rate at which it is payable shall be that at which it would have been payable to her had her late husband—

(i) where he has been retired under section 22 once only—continued in that retirement instead of his again becoming a contributor; or

(ii) where he has been so retired more than once—continued in his last retirement (disregarding any retirement of his to which subsection (2) (b) applied) instead of again becoming a contributor,

and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

(4) Without affecting the operation of subsection (3), Part II of the Superannuation (Amendment) Act, 1974, does not apply to a pension referred to in subsection (3).

(f)

Superannuation (Further Amendment).

- (f) by inserting after Division 5 of Part IV the following Part IV,
Div. 6.
Division :—

DIVISION 6.—*Automatic adjustment of pensions.*

61B. (1) In this Division, except in so far as the Interpreta-
tion: Div. 6
of Pt. IV.
context or subject-matter otherwise indicates or
requires—

“adjustment date”, in relation to a year, means
the first day of the pension pay period that
ends on the first pension pay day in the
October that next follows that year ;

“adjustment percentage”, in relation to a year,
means (subject to section 61C (2)) the
percentage for that year, calculated in
accordance with section 61C ;

“Index number”, in relation to a June quarter,
means the number for that June quarter
appearing in the Consumer Price Index (All
Groups Index) for Sydney published by the
Commonwealth Statistician under the
Census and Statistics Act 1905–1966 of the
Parliament of the Commonwealth or that
Act as amended from time to time or any
Act of that Parliament passed in substitution
therefor ;

“June quarter”, in relation to a year, means the
period commencing on and including 1st
April in that year and ending on and
including 30th June in that year ;

“pension”—

(a) subject to paragraph (b), means—

(i) pension payable under this
Act ; and

(ii) pension wholly paid or
recouped from the Con-
solidated Revenue Fund or
the funds of an employer ;
and

(b)

Superannuation (Further Amendment).

(b) does not include—

- (i) pension that has been commuted under section 21A or 21B; or
- (ii) pension payable in respect of a child or a student;

“quarter”, in relation to a year, means—

- (a) the period commencing on and including 1st July in that year and ending on and including 30th September in that year;
- (b) the period commencing on and including 1st October in that year and ending on and including 31st December in that year;
- (c) the period commencing on and including 1st January in that year and ending on and including 31st March in that year; or
- (d) the period commencing on and including 1st April in that year and ending on and including 30th June in that year;

“suspended part of a pension”, in relation to an adjustment date, means, where any part of an increase in pension was not payable at that adjustment date by reason only of the operation of section 2 (5) of the Superannuation (Amendment) Act, 1971, section 7 of the Superannuation (Amendment) Act, 1974, or section 61I of this Act, the unpaid part of that increase;

“suspended

Superannuation (Further Amendment).

“suspended pension”, in relation to an adjustment date, means—

- (a) a pension that was not payable under section 30 or 31 at that adjustment date by reason only of the marriage of a person; or
- (b) a pension that was not payable at that adjustment date by reason only of the operation of section 94;

“year” means—

- (a) the period commencing on and including 1st July, 1973, and ending on and including 30th June, 1974; or
- (b) a subsequent period commencing on and including 1st July and ending on and including 30th June.

(2) Where a pension is to be adjusted under this Division by reference to the adjustment percentage for a year, a reference (however expressed) in this Division to adjusting the pension is a reference to—

- (a) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (a)—increasing the pension; or
- (b) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (b)—reducing the pension.

Superannuation (Further Amendment).

Calculation
of adjust-
ment
percentage.

61C. (1) For the purposes of the definition of "adjustment percentage" in section 61B (1), the percentage for a year shall be calculated—

- (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (C - L)}{L}$$

- (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (L - C)}{L}$$

where—

P is the percentage to be obtained ;

C is the Index number for the June quarter in that year ; and

L is the Index number for the immediately preceding June quarter.

(2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum ; or

(b)

Superannuation (Further Amendment).

(b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter, there shall be deemed to be no adjustment percentage for that year.

(3) Where there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the percentage for the next year—

(a) the Index number for the June quarter in the firstmentioned year shall be deemed not to have been published; and

(b) the Index number for that quarter shall be deemed to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after the commencement of this Division, the Commonwealth Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

(a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

(b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number.

for the purposes of this Division.

Superannuation (Further Amendment).

(5) Notwithstanding subsection (4), if at any time after the commencement of this Division the Commonwealth Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Division after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

Adjustment
of pensions:
general
cases.

61D. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby adjusted, on and from that adjustment date, by that percentage.

(2) This section applies to—

- (a) a person who last became a pensioner before 1st July in the particular year;
- (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner before 1st July in the particular year and died before the adjustment date for that year; and
- (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22 before 1st July in that year.

(3)

Superannuation (Further Amendment).

(3) A reference in subsection (1) to a pension payable to a person includes a reference to the pension that would have been payable to him had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

61E. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby adjusted, on and from that adjustment date, by the percentage calculated in accordance with the formula set out in subsection (3).

Adjustment
of pensions:
partial
adjustment.

(2) This section applies to—

- (a) a person who last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year, other than a person referred to in paragraph (c) ;
- (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year and died before the adjustment date for that year; and
- (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22 on or after 1st July in that year but on or before 31st March in that year,

but does not apply to a person to whom section 61D applies.

(3)

Superannuation (Further Amendment).

(3) The formula referred to in subsection (1) is—

$$A = P \times \frac{Q}{4}$$

where—

A is the percentage by which the pension is to be adjusted;

P is the adjustment percentage for the particular year; and

Q is the number of whole quarters of the particular year, being whole quarters after—

- (a) in the case of a person referred to in subsection (2) (a)—the person last became a pensioner;
- (b) in the case of a person referred to in subsection (2) (b)—her late pensioner husband last became a pensioner; or
- (c) in the case of a person referred to in subsection (2) (c)—
 - (i) where her late husband had been retired under section 22 once only—her late husband was so retired; or
 - (ii) where her late husband had been so retired more than once—her late husband was last so retired, disregarding any retirement of her late husband to which section 51 (2) (b) applied.

Superannuation (Further Amendment).

61F. (1) In determining when a pensioner last became a pensioner for the purposes of section 61D or 61E, regard shall not be had to any retirement to which section 51 (2) (b) applied.

Application of secs. 61D and 61E to break-down pensions and suspended pensions.

(2) Section 61D or 61E, as the case may require, applies to and in respect of a suspended pension in the same way as it applies to and in respect of a pension referred to therein, and so applies as if—

(a) the marriage by reason of which the pension is a suspended pension had not taken place; or

(b) section 94 had not been enacted,

as the case may require, but nothing in this subsection operates so as to authorise or require the payment at any time of that suspended pension or any part thereof.

61G. (1) Where an increase in pension is payable to a pensioner under the Superannuation (Amendment) Act, 1970, then, as on and from the date (being not earlier than the commencement of this Division) on which the increase is payable, the rate at which it is payable shall be that at which it would be payable to him had he been in receipt of the increase at the commencement of Part II of the Superannuation (Amendment) Act, 1974.

Certain increases under Superannuation (Amendment) Act, 1970.

Superannuation (Further Amendment).

(2) Without affecting the operation of subsection (1), Part II of the Superannuation (Amendment) Act, 1974, does not apply to an increase in pension referred to in subsection (1).

Minimum amount to which pensions may be reduced.

61H. Notwithstanding anything in this Division—

(a) a pension (other than a pension payable to a person by virtue of her being a widow of a pensioner) shall not be reduced below the fortnightly amount that would, if this Division had not been enacted, have been payable; and

(b) a pension payable to a person by virtue of her being a widow of a pensioner shall not be reduced below the fortnightly amount that would have been payable to her by reference to the pension that would, if this Division had not been enacted, have been payable to her late husband.

Suspension of increase in pension in certain circumstances.

61I. (1) Where the operation of the provisions of this Division would increase the pension payable to a person, or a widow's pension would be increased by reason of the operation of those provisions in relation to her late husband, and that person or widow would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person or widow, the amount of the increase shall be such lesser amount than that provided for under this

Division

Superannuation (Further Amendment).

Division as the Board from time to time determines, and the amount of the increase so determined shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

(2) An increase or part of an increase that is not paid because of the operation of subsection (1) shall, in calculating a pension payable under section 30 or 31, be taken into account as if it had been payable.

61J. (1) Where, by virtue of there being an adjustment percentage for a year, an increased pension is payable to a pensioner or to the widow of a deceased pensioner or contributor, the employer in whose service the pensioner or deceased pensioner was employed at the date of his retirement or retrenchment, or in whose service the contributor was employed at the date of his death, shall pay to the Fund at such intervals as may be determined by the Board and on the requisition of the Board, an amount equal to the difference between the amount of the pension payable under this Division and the amount of pension that would have been payable had there been no adjustment percentage for that year. Additional payment by employers.

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

61K.

Superannuation (Further Amendment).

Calculation
of
percentages.

61K. Where a percentage that is to be calculated under this Division is or includes a fraction of one-tenth of one per centum—

(a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and

(b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 November, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 104, 1974.

An Act to provide for the automatic adjustment of certain pensions payable under the Superannuation Act, 1916; for these and other purposes to amend that Act; to validate certain matters; and for purposes connected therewith. [Assented to, 13th December, 1974.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Superannuation (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Superannuation (Further Amendment) Act, 1974".

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

(2) Section 3 shall be deemed to have commenced on 27th September, 1974.

Amendment **3.** The Superannuation Act, 1916, is amended—
of Act No.
28, 1916.

Sec. 2. (a) by inserting in section 2 after the matter relating to
(Division Division 5 of Part IV the following matter :—
of Act.)

DIVISION 6.—*Automatic adjustment of pensions*
—ss. 61B–61K.

Sec. 17B. (b) by inserting at the end of section 17B the following
(Additional subsection :—
payment by
employers
in respect
of increase
in pension
unit value.)

(10) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.

(c)

Superannuation (Further Amendment).

- (c) by inserting at the end of section 17C the following subsection :—
- (7) The liability of employers to make payments to the fund pursuant to this section shall be calculated as if Division 6 of Part IV had not been enacted.
- Sec. 17c.
(Additional payment by employers in respect of persons becoming contributors after 1.7.63.)
- (d) by inserting after section 21A (1A) the following subsection :—
- (1B) Notwithstanding anything in subsection (1), this section does not authorise the commutation of the amount of any increase of pension payable under Division 6 of Part IV.
- Sec. 21A.
(Commuting of pension.)
- (e) by inserting after section 51 (2) the following subsections :—
- (3) Notwithstanding anything in this Act—
- (a) where a person is retired under section 22 within five years of again becoming a contributor following a previous retirement under that section, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension thereafter first becomes payable to him, the rate at which it is payable shall be that at which it would have been payable to him had he continued in his last retirement (disregarding any retirement of that person to which subsection (2) (b) applied)
- instead

Superannuation (Further Amendment).

instead of again becoming a contributor and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted; and

(b) where a contributor dies within five years of having again become a contributor following a previous retirement under section 22, then, as on and from the date (being not earlier than the commencement of this subsection) on which pension thereafter first becomes payable to his widow, the rate at which it is payable shall be that at which it would have been payable to her had her late husband—

(i) where he has been retired under section 22 once only—continued in that retirement instead of his again becoming a contributor; or

(ii) where he has been so retired more than once—continued in his last retirement (disregarding any retirement of his to which subsection (2) (b) applied) instead of again becoming a contributor,

and had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

(4) Without affecting the operation of subsection (3), Part II of the Superannuation (Amendment) Act, 1974, does not apply to a pension referred to in subsection (3).

(f)

Superannuation (Further Amendment).

- (f) by inserting after Division 5 of Part IV the following ^{Part IV,}
Division :— ^{Div. 6.}

DIVISION 6.—*Automatic adjustment of pensions.*

61B. (1) In this Division, except in so far as the ^{Interpreta-}
context or subject-matter otherwise indicates or ^{tion: Div. 6}
requires— ^{of Pt. IV.}

“adjustment date”, in relation to a year, means
the first day of the pension pay period that
ends on the first pension pay day in the
October that next follows that year;

“adjustment percentage”, in relation to a year,
means (subject to section 61c (2)) the
percentage for that year, calculated in
accordance with section 61c;

“Index number”, in relation to a June quarter,
means the number for that June quarter
appearing in the Consumer Price Index (All
Groups Index) for Sydney published by the
Commonwealth Statistician under the
Census and Statistics Act 1905–1966 of the
Parliament of the Commonwealth or that
Act as amended from time to time or any
Act of that Parliament passed in substitution
therefor;

“June quarter”, in relation to a year, means the
period commencing on and including 1st
April in that year and ending on and
including 30th June in that year;

“pension”—

(a) subject to paragraph (b), means—

(i) pension payable under this
Act; and

(ii) pension wholly paid or
recouped from the Con-
solidated Revenue Fund or
the funds of an employer;
and

(b)

Superannuation (Further Amendment).

(b) does not include—

- (i) pension that has been commuted under section 21A or 21B; or
- (ii) pension payable in respect of a child or a student;

“quarter”, in relation to a year, means—

- (a) the period commencing on and including 1st July in that year and ending on and including 30th September in that year;
- (b) the period commencing on and including 1st October in that year and ending on and including 31st December in that year;
- (c) the period commencing on and including 1st January in that year and ending on and including 31st March in that year; or
- (d) the period commencing on and including 1st April in that year and ending on and including 30th June in that year;

“suspended part of a pension”, in relation to an adjustment date, means, where any part of an increase in pension was not payable at that adjustment date by reason only of the operation of section 2 (5) of the Superannuation (Amendment) Act, 1971, section 7 of the Superannuation (Amendment) Act, 1974, or section 61I of this Act, the unpaid part of that increase;

“suspended

Superannuation (Further Amendment).

“suspended pension”, in relation to an adjustment date, means—

- (a) a pension that was not payable under section 30 or 31 at that adjustment date by reason only of the marriage of a person; or
- (b) a pension that was not payable at that adjustment date by reason only of the operation of section 94;

“year” means—

- (a) the period commencing on and including 1st July, 1973, and ending on and including 30th June, 1974; or
- (b) a subsequent period commencing on and including 1st July and ending on and including 30th June.

(2) Where a pension is to be adjusted under this Division by reference to the adjustment percentage for a year, a reference (however expressed) in this Division to adjusting the pension is a reference to—

- (a) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (a)—increasing the pension; or
- (b) where the adjustment percentage is calculated in accordance with the formula set out in section 61c (1) (b)—reducing the pension.

Superannuation (Further Amendment).

Calculation
of adjust-
ment
percentage.

61C. (1) For the purposes of the definition of "adjustment percentage" in section 61B (1), the percentage for a year shall be calculated—

- (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (C - L)}{L}$$

- (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula :—

$$P = \frac{100 (L - C)}{L}$$

where—

P is the percentage to be obtained;

C is the Index number for the June quarter in that year; and

L is the Index number for the immediately preceding June quarter.

(2) Where—

- (a) the percentage calculated for a year in accordance with this section is less than 1.0 per centum; or

(b)

Superannuation (Further Amendment).

(b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter, there shall be deemed to be no adjustment percentage for that year.

(3) Where there is deemed to be no adjustment percentage for a year, then, for the purposes of calculating the percentage for the next year—

(a) the Index number for the June quarter in the firstmentioned year shall be deemed not to have been published; and

(b) the Index number for that quarter shall be deemed to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.

(4) If at any time, whether before or after the commencement of this Division, the Commonwealth Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number previously published by him in respect of that quarter—

(a) except as provided in paragraph (b)—the publication of the later Index number shall be disregarded; or

(b) if the Minister so directs—regard shall, after the direction is given, be had to the later and not to the earlier Index number,

for the purposes of this Division.

(5)

Superannuation (Further Amendment).

(5) Notwithstanding subsection (4), if at any time after the commencement of this Division the Commonwealth Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Division after the change takes place, regard shall be had only to Index numbers published in terms of the new reference base.

Adjustment
of pensions:
general
cases.

61D. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby adjusted, on and from that adjustment date, by that percentage.

(2) This section applies to—

- (a) a person who last became a pensioner before 1st July in the particular year;
- (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner before 1st July in the particular year and died before the adjustment date for that year; and
- (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22 before 1st July in that year.

(3)

Superannuation (Further Amendment).

(3) A reference in subsection (1) to a pension payable to a person includes a reference to the pension that would have been payable to him had the provisions referred to in the definition of "suspended part of a pension" in section 61B (1) not been enacted.

61E. (1) Subject to this Division, where there is an adjustment percentage for a year (in this section referred to as "the particular year"), the pension payable on the adjustment date for that year to a person to whom this section applies is hereby adjusted, on and from that adjustment date, by the percentage calculated in accordance with the formula set out in subsection (3).

Adjustment
of pensions:
partial
adjustment.

(2) This section applies to—

- (a) a person who last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year, other than a person referred to in paragraph (c);
- (b) a person who is the widow of a pensioner, where that pensioner last became a pensioner on or after 1st July in the particular year but on or before 31st March in that year and died before the adjustment date for that year; and
- (c) a person who is the widow of a contributor, being a contributor who died, on or after 1st July in the particular year but before the adjustment date for that year, within five years of having again become a contributor following a retirement under section 22 on or after 1st July in that year but on or before 31st March in that year,

but does not apply to a person to whom section 61D applies.

(3)

Superannuation (Further Amendment).

(3) The formula referred to in subsection (1) is—

$$A = P \times \frac{Q}{4}$$

where—

A is the percentage by which the pension is to be adjusted ;

P is the adjustment percentage for the particular year ; and

Q is the number of whole quarters of the particular year, being whole quarters after—

- (a) in the case of a person referred to in subsection (2) (a)—the person last became a pensioner ;
- (b) in the case of a person referred to in subsection (2) (b)—her late pensioner husband last became a pensioner ; or
- (c) in the case of a person referred to in subsection (2) (c)—
 - (i) where her late husband had been retired under section 22 once only—her late husband was so retired ; or
 - (ii) where her late husband had been so retired more than once—her late husband was last so retired, disregarding any retirement of her late husband to which section 51 (2) (b) applied.

Superannuation (Further Amendment).

61F. (1) In determining when a pensioner last became a pensioner for the purposes of section 61D or 61E, regard shall not be had to any retirement to which section 51 (2) (b) applied.

Application of secs. 61D and 61E to break-down pensions and suspended pensions.

(2) Section 61D or 61E, as the case may require, applies to and in respect of a suspended pension in the same way as it applies to and in respect of a pension referred to therein, and so applies as if—

(a) the marriage by reason of which the pension is a suspended pension had not taken place ;
or

(b) section 94 had not been enacted,

as the case may require, but nothing in this subsection operates so as to authorise or require the payment at any time of that suspended pension or any part thereof.

61G. (1) Where an increase in pension is payable to a pensioner under the Superannuation (Amendment) Act, 1970, then, as on and from the date (being not earlier than the commencement of this Division) on which the increase is payable, the rate at which it is payable shall be that at which it would be payable to him had he been in receipt of the increase at the commencement of Part II of the Superannuation (Amendment) Act, 1974.

Certain increases under Superannuation (Amendment) Act, 1970.

(2)

Superannuation (Further Amendment).

(2) Without affecting the operation of subsection (1), Part II of the Superannuation (Amendment) Act, 1974, does not apply to an increase in pension referred to in subsection (1).

Minimum amount to which pensions may be reduced.

61H. Notwithstanding anything in this Division—

- (a) a pension (other than a pension payable to a person by virtue of her being a widow of a pensioner) shall not be reduced below the fortnightly amount that would, if this Division had not been enacted, have been payable; and
- (b) a pension payable to a person by virtue of her being a widow of a pensioner shall not be reduced below the fortnightly amount that would have been payable to her by reference to the pension that would, if this Division had not been enacted, have been payable to her late husband.

Suspension of increase in pension in certain circumstances.

61I. (1) Where the operation of the provisions of this Division would increase the pension payable to a person, or a widow's pension would be increased by reason of the operation of those provisions in relation to her late husband, and that person or widow would, in the opinion of the Board, thereby be prejudicially affected in respect of any benefits otherwise receivable by that person or widow, the amount of the increase shall be such lesser amount than that provided for under this

Division

Superannuation (Further Amendment).

Division as the Board from time to time determines, and the amount of the increase so determined shall be payable in respect of such periods or at such times by way of lump sum or otherwise as the Board from time to time determines.

(2) An increase or part of an increase that is not paid because of the operation of subsection (1) shall, in calculating a pension payable under section 30 or 31, be taken into account as if it had been payable.

61J. (1) Where, by virtue of there being an adjustment percentage for a year, an increased pension is payable to a pensioner or to the widow of a deceased pensioner or contributor, the employer in whose service the pensioner or deceased pensioner was employed at the date of his retirement or retrenchment, or in whose service the contributor was employed at the date of his death, shall pay to the Fund at such intervals as may be determined by the Board and on the requisition of the Board, an amount equal to the difference between the amount of the pension payable under this Division and the amount of pension that would have been payable had there been no adjustment percentage for that year. Additional payment by employers.

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

61k.

Superannuation (Further Amendment).

Calculation
of
percentages.

61K. Where a percentage that is to be calculated under this Division is or includes a fraction of one-tenth of one per centum—

- (a) if that fraction is less than one-half of one-tenth—that fraction shall be disregarded; and
- (b) if that fraction is not less than one-half of one-tenth—that fraction shall be treated as one-tenth.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th December, 1974.*