

Act No. 137, 1977.
**SUPERANNUATION (AMENDMENT) ACT,
1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 137, 1977.

An Act to amend the Superannuation Act, 1916, and the Superannuation (Amendment) Act, 1951, with respect to the death and breakdown benefits payable to or in respect of contributors to the State Superannuation Fund, the payment of pensions in respect of children and the tables of contributions payable by employees and employers, and for certain other purposes. [Assented to, 21st December, 1977.]

BE

Superannuation (Amendment).

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

Short
title.

1. This Act may be cited as the "Superannuation (Amendment) Act, 1977".

Commence-
ment.

2. (1) This section and sections 1, 3, 4 and 7 shall commence on the date of assent to this Act.

(2) Sections 5 and 6 shall, in their respective application to a provision of Schedules 1–8, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced.

(3) Schedule 1 shall commence on 13th January, 1978.

(4) Schedule 2 shall commence on the date of assent to this Act.

(5) Schedule 3 (1) and (3) shall commence on the date of assent to this Act.

(6) Schedule 3 (2) shall be deemed to have commenced on 13th January, 1977.

(7) Schedule 4 shall be deemed to have commenced on 1st July, 1977.

Superannuation (Amendment).

(8) Schedule 5 shall, except as provided in subsection (9), commence on the date of assent to this Act.

(9) Schedule 5 (2), (3), 4 (a) and (7) shall be deemed to have commenced on 13th January, 1977.

(10) Schedules 6–8 shall commence on 13th January, 1978.

(11) Schedule 9 shall commence on the date of assent to this Act.

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

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH AND BREAKDOWN BENEFITS AND THE ABOLITION OF THE CATEGORIES OF CONTRIBUTORS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE DEFINITION OF “SALARY”.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO REDUCTIONS IN SALARY.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO CHILDREN’S PENSIONS.

SCHEDULE 5.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 6.—AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE TABLES OF CONTRIBUTIONS.

SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON THE VARIATION OF THE TABLES OF CONTRIBUTIONS.

SCHEDULE 8.—AMENDMENTS TO THE SUPERANNUATION (AMENDMENT) ACT, 1951, RELATING TO THE RATES OF CONTRIBUTIONS.

SCHEDULE 9.—SAVINGS AND TRANSITIONAL PROVISIONS.

5. The Principal Act is amended in the manner set forth in Schedules 1–7.

6. The Superannuation (Amendment) Act, 1951, is amended in the manner set forth in Schedule 8.

Savings and transitional provisions.

7. Schedule 9 has effect.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS.

(1) Section 2—

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

**PART IIA.—MEDICAL EXAMINATION OF CON-
TRIBUTORS—ss. 10A–10D.**

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

Omit the definitions.

(3) Part IIA—

Omit the Part, insert instead :—

PART IIA.

MEDICAL EXAMINATION OF CONTRIBUTORS.

10A. In this Part—

“prescribed medical examination” means—

**Interpre-
tation:
Pt. IIA.**

(a) in relation to an employee who com-
menced his employment as an
employee before 13th January,
1978, a medical examination to
which he was required to submit
himself—

(i) under this Part as in force
at the date on which he
commenced his employ-
ment;

*Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

(ii) under section 11A or 38C
as in force at the date on
which he commenced his
employment; or

(iii) under clause 1 of Schedule
XVII; or

(b) in relation to an employee who
commenced his employment as an
employee on or after 13th January,
1978, a medical examination
(whether or not made for the
purposes of his employment by
an employer) of the prescribed
standard;

“prescribed standard” means the standard deter-
mined by the Minister on the recommenda-
tion of the Government Actuary and the
Government Medical Officer to be the same
or substantially the same as that prevailing
in 1977 in respect of medical examinations
prescribed under section 27 (1) (a) of the
Public Service Act, 1902.

**Medical
examina-
tion.**

10B. Where a person is not required for the pur-
poses of his employment by an employer to undergo
a medical examination of the prescribed standard,
the Board may require the person to undergo such a
medical examination.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

10c. (1) Where an employee is required to submit himself to a prescribed medical examination and, in the opinion of the Board—

Failure, etc., to undergo medical examination.

- (a) does not, either before or as soon as practicable after the commencement of his employment (whether before, on or after 13th January, 1978) submit himself to the examination;
- (b) refuses or wilfully neglects to submit himself to the examination; or
- (c) fails to satisfy the requirements of the examination,

the Board shall, except as provided by subsection (2), treat him as if he were not and had not, since the date of commencement of his employment, been an employee.

(2) Where an employee, being an employee who, in the opinion of the Board, did not submit himself to a prescribed medical examination as referred to in subsection (1) (a), ceases to be an employee, the Board may, if it is of the opinion, having regard to such evidence as is available to it, that he would have satisfied the requirements of a prescribed medical examination, treat him, for the period of his employment, as if he were an employee.

*Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

Suppressed
or mis-
leading
informa-
tion.

10D. (1) This section applies to a person if he was medically examined at a prescribed medical examination and the Government Medical Officer, at any time after a report is made with respect to the examination, forms the opinion that the person suppressed information, or gave misleading information, in connection with the examination and that, as a result, the report would have been different if all information, or correct information, in that connection had been given.

(2) The Board may require a person to whom this section applies to undergo a medical examination of the prescribed standard.

(3) The Board may, in relation to a person to whom this section applies (whether or not he has undergone a medical examination in accordance with a requirement under subsection (2))—

(a) treat the person for the purposes of this Act in such manner; and

(b) take such action,

as will, in the opinion of the Board, result in the person, and his widow and children, as the case may require, being placed, as nearly as possible, in the position under this Act that he, she or they would be or would have been placed at all relevant times had all the information, or correct information, been given as referred to in subsection (1).

Superannuation (Amendment).

SCHEDULE 1—continued.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—continued.**

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

- (a) discontinuing or varying the rate of any pension;
- (b) paying the whole or any part of a lump sum;
- (c) refunding all or any contributions made to the Fund;
- (d) recovering, pursuant to section 91A, the whole or part of any pension paid or any amount paid by reason of a commutation of pension.

(4) (a) Section 10R (4) (a)—
Omit “employee;”, insert instead “employee; or”.

(b) Section 10R (4) (b)—
Omit “or”.

(c) Section 10R (4) (c)—
Omit the paragraph.

(5) (a) Section 10Z (4) (a)—
Omit “unit;”, insert instead “unit; or”.

(b) Section 10Z (4) (b)—
Omit “or”.

Superannuation (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
 AND BREAKDOWN BENEFITS AND THE ABOLITION OF
 THE CATEGORIES OF CONTRIBUTORS—*continued.*

(c) Section 10Z (4) (c)—

Omit the paragraph.

(6) Section 10AH (2) (c)—

Omit “or the employee was a contributor in the provisional category”.

(7) Section 21AB—

Omit the section.

(8) Section 27 (1A)—

Omit the subsection.

(9) Sections 29, 29A—

Omit the sections, insert instead :—

Pension
payable on
retirement
through
invalidity,
etc.

29. (1) Except as provided by subsections (2) and (3), if a contributor is retired on the ground of invalidity or physical or mental incapacity to perform his duties, he shall, subject to section 10AA (2), be entitled to the full pension for which he was contributing as at his exit day.

*Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

(2) If a contributor—

(a) being a person who became a contributor
on or after 13th January, 1978; or(b) being a person who, immediately before
13th January, 1978, was—(i) a contributor accepted or treated as
a contributor for limited benefits
under this Act as then in force; or(ii) a contributor accepted or treated as
a contributor in the provisional
category under this Act as then in
force,

is retired on the ground of invalidity or physical or
mental incapacity to perform his duties and the
number of years (disregarding any fraction of a year)
comprising the period from the date when he last
became a contributor and his exit day, after having
subtracted from that period any period of retirement
pursuant to section 22 in respect of which he received
a pension under this Act, is less than 10, he shall be
entitled to a pension, the amount of which shall be
calculated in accordance with the formula—

$$P = \frac{A}{100} \left(80 + \frac{20B}{C} \right)$$

where, in relation to the contributor—

“P” is the amount of the pension per fortnight;

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

“A” is the amount of pension per fortnight that would have been payable to him under subsection (1) had he been a person to whom that subsection applies;

“B” is the number of years (disregarding any fraction of a year) comprising the period from the date when he last became a contributor to his exit day, after having subtracted from that period any period of retirement pursuant to section 22 in respect of which he received a pension under this Act; and

“C” is—

(a) the number of years (disregarding any fraction of a year) comprising the period from the date when he last became a contributor to the last day of the contribution period preceding that in which he would attain the maturity age; or

(b) 10,

whichever is the lesser.

(3) If, in respect of a contributor referred to in subsection (2) (b) (other than a contributor referred to in subsection (2) (b) (ii)), the amount of pension to which he would have been entitled, had this Act not been amended by the Superannuation (Amendment) Act, 1977, is greater than the amount

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

to which he would otherwise be entitled under subsection (2), he shall, notwithstanding subsection (2), be entitled to a pension of the greater amount.

(4) A contributor to whom this section applies shall be granted payment of pension for one year only at a time and a fresh application shall, unless the Board from time to time otherwise determines, be necessary before any further payment is made.

(5) Pension payable under this section shall, notwithstanding anything contained in this or any other Act, commence and be payable as from the date following that upon which all leave of absence, other than extended leave, if taken, would have terminated.

(6) Contributions payable by or in respect of a contributor to whom this section applies cease to be payable on the first day of the contribution period during which the pension becomes payable pursuant to subsection (5).

(7) Schedule XVII has effect.

(10) (a) Section 30 (1)—

Omit "contributor (aged, in the case of a contributor for limited benefits or a contributor in the provisional category, sixty years or more)", insert instead "contributor,".

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

(b) Section 30 (2)—

Omit the subsection.

(c) Section 30 (4)—

Omit the subsection.

(11) (a) Section 31 (1) (a) (i)—

Omit the subparagraph.

(b) Section 31 (1) (a) (ii)—

Omit “in any other case,”.

(c) Section 31 (3)—

Omit the subsection.

(12) Section 32B—

Omit “subsection (3) of section 29”, insert instead
“section 29 (5)”.

(13) Section 33 (3)—

Omit the subsection.

(14) Section 38C (3) (a)—

Omit “29A,”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

(15) (a) Section 47C (1) (a)—

Omit “contributor;”, insert instead “contributor;
or”.

(b) Section 47C (1) (b)—

Omit the paragraph.

(c) Section 47C (6)—

Omit “29A (1),”.

(16) (a) Section 47D (4)—

Omit “29”, insert instead “29 (2)”.

(b) Section 47D (4)—

Omit “for limited benefits”.

(17) Section 51 (3)—

After “Act”, insert “, but except as prescribed”.

(18) Schedule XV—

Omit the Schedule.

(19) Schedule XVII—

After Schedule XVI, insert :—

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—continued.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—continued.**

Sec. 29 (7).

SCHEDULE XVII.**TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977.****PART 1.****MEDICAL EXAMINATIONS.**

1. An employee who, immediately before 13th January, 1978—

- (a) was a contributor to whom section 10B as then in force applied; and
- (b) had not complied with that section,

shall, notwithstanding the Superannuation (Amendment) Act, 1977, comply with that section as if it had continued in force on and after 13th January, 1978

2. Where—

- (a) a report is made by the Government Medical Officer in respect of—
 - (i) an employee to whom section 10c as in force immediately before 13th January, 1978, applied; or
 - (ii) an employee to whom clause 1 applies;
- (b) the report indicates that the employee is suffering from any physical or mental defect which is likely to affect his health or longevity or his capacity to continue in his employment; and
- (c) the Board, in respect of such a report made before 13th January, 1978, has not made a decision under section 10c (2) as in force immediately before 13th January, 1978,

the Board may, for the purposes of section 29, treat the employee as if he were a person referred to in section 29 (2) (b).

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

SCHEDULE XVII—*continued.*

TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

3. Where a person—

(a) who, immediately before 13th January, 1978, was—

- (i) a contributor accepted or treated as a contributor
for limited benefits under this Act as then in force;
or
- (ii) a contributor accepted or treated as a contributor in
the provisional category under this Act as then in
force; and

(b) whose medical examination under section 10F (1) (a) or
(3) as then in force had commenced before the date of
assent to the Superannuation (Amendment) Act, 1977,

produces a report from the Government Medical Officer stating that
the Government Medical Officer has caused him to be medically
examined and that his health warrants his acceptance as a contributor
for full benefits within the meaning of this Act as in force immediately
before 13th January, 1978, the Board may, for the purposes of
section 29, treat him as if he were a person referred to in section 29
(1).

Superannuation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*SCHEDULE XVII—*continued.*TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

PART 2.

ELECTION OF CERTAIN PERSONS TO CONTRIBUTE TO THE FUND.

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

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

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

(4) An election under subclause (2) is of no effect unless made with the approval of the Board given in special circumstances.

5. (1) A person who—

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

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

may elect to contribute to the Fund.

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

SCHEDULE XVII—*continued.*

TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

(2) An election under subclause (1) is of no effect unless made with the approval of the Board given in special circumstances.

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

PART 3.

PENSIONS.

6. In this Part, "breakdown", in relation to a person, means his retirement on the ground of invalidity or physical or mental incapacity to perform his duties.

7. (1) In this clause, "contributor for limited benefits" means a contributor accepted or treated as a contributor for limited benefits under this Act as in force immediately before 13th January, 1978.

(2) Where, on and from 13th January, 1978, pension is payable in respect of the breakdown or death of a contributor for limited benefits, or a former contributor for limited benefits, whose exit day occurred before 13th January, 1978, the amount of pension shall be calculated as if section 29 had been in force at his exit day but as if section 29 (2) (a) and (b) had not been enacted.

8. (1) In this clause, "contributor in the provisional category" means a contributor accepted or treated as a contributor in the provisional category under this Act as in force immediately before 13th January, 1978.

SCHEDULE

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

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

SCHEDULE XVII—*continued.*

TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

(2) Where a lump sum paid to a contributor in the provisional category or his widow under section 29A as in force immediately before 13th January, 1978, is repaid, pension shall, from the date on which the lump sum is repaid, be payable to or in respect of the contributor as if this Act, as amended by the Superannuation (Amendment) Act, 1977, had been in force at his exit day but as if section 29 (2) (a) and (b) had not been enacted.

9. The amounts payable from the Fund and by an employer in relation to—

(a) a pension payable under section 29;

(b) an increase in the amount of pension under clause 7 (2); or

(c) a pension payable under clause 8 (2),

shall be in the same proportion as the amounts payable in relation to a contributor under section 29 (1) (a) as in force immediately before 13th January, 1978.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
DEFINITION OF "SALARY".

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

In paragraph (a), after "bonus", insert "or an allowance in lieu of overtime".

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—continued.

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

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

From paragraph (f), omit "paragraph.", insert
instead "paragraph,".

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

At the end of the definition, insert :—

but, notwithstanding anything in the foregoing
provisions, includes any remuneration or
benefit declared pursuant to section 12E to
be salary within the meaning of this Act.

(2) Section 12E—

After section 12D, insert :—

12E. (1) The regulations may declare—

(a) any remuneration of a specified kind and
included within any of the paragraphs of
the definition of "Salary" in section 3 (1);
or

(b) any other remuneration or benefit of a
specified kind,
to be, either generally or in relation to any specified
class of employees, salary within the meaning of this
Act.

(2) A declaration referred to in subsection
(1) applies to remuneration or a benefit payable or
afforded to an employee only if—

(a) it is payable in money at an annual rate to
the employee in his capacity as an
employee; or

Declara-
tions for
the
purposes of
definition
of "Salary".

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
DEFINITION OF "SALARY"—*continued.*

(b) his employer, or a person duly authorised to do so on behalf of the employer, certifies in writing to the Board that it should be treated as remuneration or a benefit payable in money at an annual rate to the employee in his capacity as an employee, and also certifies the amount of that rate.

(3) Where remuneration or a benefit is the subject of a certificate referred to in subsection (2) (b), it shall, for the purposes of this Act, be deemed to be remuneration or a benefit payable in money at the certified annual rate to the employee in his capacity as an employee.

(4) A declaration may be made so as to operate as from any date after 9th March, 1976.

(5) Where—

(a) a declaration operates as from a date before the declaration is made; and

(b) the appropriate contributions in respect of any additional units of pension concerned (being the contributions that would have been already payable in accordance with this Act had the remuneration or benefit in fact been salary within the meaning of this Act in accordance with the declaration) have been paid to the Board by or in respect of an employee to whom the declaration relates within a period approved by the Board,

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—continued.

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

then, for all purposes of this Act—

- (c) the employee's salary shall be deemed to have included the remuneration or benefit in accordance with the declaration; and
- (d) the employee shall be deemed to have been contributing for the additional units as from the commencement of the period to which the contributions referred to in paragraph (b) relate.

(6) In this section, "employee" includes former employee.

SCHEDULE 3.

Sec. 5.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCTIONS IN SALARY.**

(1) Section 2—

From the matter relating to Division 3 of Part III omit "s. 10w", insert instead "ss. 10w, 10wa".

(2) (a) Section 10w (2) (b) (v)—

Omit "1976,", insert instead "1976;".

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCTIONS IN SALARY—*continued.*

(b) Section 10w (2) (b) (vi)—

After section 10w (2) (b) (v), insert :—

- (vi) the day as from which the number of units of pension for which he was contributing was reduced under this section,

(c) Section 10w (5)—

Omit “payment of”, insert instead “retention of entitlement to”.

(3) Section 10wA—

After section 10w, insert :—

Fluctuations
in salary.

10wA. (1) Where the number of units of pension that, pursuant to section 12 (1), was appropriate to the salary actually being paid to a contributor at any time after 12th January, 1976, was higher than the number of units that, pursuant to section 12 (1), was or is appropriate to the salary actually being paid to him at his next review day after that time, the Board may determine that his salary as at the review day shall be treated as if it had been equal to his salary as at the earlier time.

(2) A determination under this section shall not take effect unless the appropriate contributions in respect of the additional units of pension (being the contributions that would have been already or would be payable in accordance with this Act had the greater salary in fact been paid to him at the review day) have been or are paid to the Board within a period approved by the Board.

Superannuation (Amendment).

SCHEDULE 3—*continued.*

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

(3) Where a determination under this section has effect, then, for all purposes of this Act—

- (a) the contributor's salary shall be treated in accordance with the determination; and
- (b) the contributor shall be deemed to have been contributing for the additional units of pension as from the commencement of the period to which the contributions referred to in subsection (2) relate.

(4) In this section—

“contributor” includes former contributor;

“review day” means entry review day, annual review day or exit day.

SCHEDULE 4.

Sec. 5.

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

(1) Section 3 (1), definition of “Child”—

Before the definition of “Civil Service Acts”, insert :—

“Child” means a child who has not attained the age of 18 years, and, without limiting the operation of the Children (Equality of Status) Act, 1976, includes an exnuptial child who has not attained that age.

Superannuation (Amendment).

 SCHEDULE 4—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
 CHILDREN'S PENSIONS—*continued.*

(2) (a) Section 30 (1) (a)—

Omit "and".

(b) Section 30 (1) (b)—

Omit the paragraph.

(c) Section 30 (2) (a)—

Omit "and".

(d) Section 30 (2) (b)—

Omit the paragraph.

(e) Section 30 (2A), (2B)—

After section 30 (2), insert :—

(2A) On the death of a male contributor, a pension of the appropriate amount per week under section 61M is payable in respect of—

(a) each of the contributor's children; and

(b) each of the contributor's widow's children, except children who are born after the contributor's death and who are not the contributor's children,

being in each case children whose mother is living.

Superannuation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—*continued.*

(2B) If the widow of a contributor subsequently marries a contributor or pensioner, nothing in subsection (2A) prevents the payment of a pension, in respect of a child, in consequence of the death of the contributor or pensioner whom she so subsequently married.

(f) Section 30 (3)—

Omit "If any such widow subsequently marries a contributor or pensioner the widow shall, notwithstanding paragraph (b) of subsection (1) or (2), upon his death be paid in respect of children of such remarriage who are under eighteen years of age, a pension of the appropriate amount per week under section 61M."

(g) Section 30 (3)—

Omit "If any such widow" where secondly occurring, insert instead "If the widow of a contributor".

(h) Section 30 (5), (6)—

Omit the subsections.

(3) (a) Section 31 (1) (a) (ii)—

Omit "section 28B, and", insert instead "section 28B;".

(b) Section 31 (1) (b)—

Omit the paragraph.

*Superannuation (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—*continued.*

(c) Section 31 (1A)—

Omit "otherwise than in respect of a child or children".

(d) Section 31 (1B), (1C)—

After section 31 (1A), insert :—

(1B) On the death of a male pensioner, a pension of the appropriate amount per week under section 61M is payable in respect of—

(a) each of the pensioner's children; and

(b) each of the pensioner's widow's children, except children who are born after the pensioner's death and who are not the pensioner's children,

being in each case children whose mother is living.

(1C) If the widow of a pensioner subsequently marries a contributor or pensioner, nothing in subsection (1B) prevents the payment of a pension, in respect of a child, in consequence of the death of the contributor or pensioner whom she so subsequently married.

(e) Section 31 (2)—

Omit "If any such widow subsequently marries a contributor or pensioner the widow shall, notwithstanding paragraph (b) of subsection (1), upon his death be paid in respect of children of

Superannuation (Amendment).

SCHEDULE 4—continued.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—continued.**

such remarriage who are under the age of eighteen years, a pension of the appropriate amount per week under section 61M.”.

(f) Section 31 (2)—

Omit “If any such widow” where secondly occurring, insert instead “If the widow of a pensioner”.

(g) Section 31 (4), (5)—

Omit the subsections.

(4) (a) Section 33 (1)—

Omit the subsection, insert instead :—

(1) On the death of a male contributor or a male pensioner, a pension of the appropriate amount per week under section 61N is payable in respect of—

(a) each of the contributor's children or pensioner's children; and

(b) each of the contributor's widow's children or pensioner's widow's children, except children who are born after the contributor's death or pensioner's death and who are not the contributor's or pensioner's children,

being in each case children whose mother died before, or is divorced from, the contributor or pensioner.

Superannuation (Amendment).

SCHEDULE 4—continued.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—continued.**
(b) Section 33 (2)—

Omit the subsection, insert instead :—

(2) Where a pension in respect of a child is paid under section 30 or 31, and the mother of the child dies, a pension of the appropriate amount per week under section 61N is payable in respect of the child.

(5) Section 43—

Omit the section, insert instead :—

**Payments
in respect
of children.**

43. (1) A pension payable under this Act in respect of a child shall be paid to the child's mother, if living.

(2) Notwithstanding anything elsewhere contained in this Act, any money payable out of the Fund under this Act in respect of a child may, at the discretion of the Board, be paid to the child's guardian or expended by the Board for the benefit of the child.

(3) Not more than one pension may be paid in respect of the one child during any one period and where, but for this subsection, pensions would be payable, in respect of the child, of the appropriate amount per week under both section 61M and section 61N, the pension payable shall be that of the appropriate amount per week under section 61N.

(6) Section 47 (1)—

Omit "that marriage", insert instead "the pensioner".

Superannuation (Amendment).

SCHEDULE 5.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 2—

From the matter relating to Division 2 of Part IV, omit “47A”, insert instead “47B”.

(b) Section 2—

From the matter relating to Division 4 of Part IV, omit “ss. 53–59”, insert instead “s. 53”.

(2) Section 10o (3)—

After section 10o (2), insert :—

(3) Where—

(a) a contributor’s first annual adjustment day falls before 31st December, 1977;

(b) he contributes to the Fund in respect of an additional number of units of pension as on and from that adjustment day; and

(c) he was a contributor at 12th January, 1977,

he shall, for the purposes of section 28A, be deemed to have commenced contributing for those units as from 13th January, 1976, or the day on which he became a contributor, whichever is the later.

(3) Section 10AA (2)—

After “Pension”, insert “(other than pension payable under section 37)”.

*Superannuation (Amendment).*SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(4) (a) Section 10AH (5) (a)—

Omit the paragraph, insert instead :—

(a) in relation to an employee who ceases to be employed by the employer before attaining the maturity age and who commenced contributing for the unit of pension—

(i) before the contribution period in which he would attain the maturity age—a reference to the total amount of contributions that would have been payable up to and including that date had the tables of contributions fixed by or under this Act been applicable to him in respect of the unit; or

(ii) after the contribution period in which he would attain the maturity age—a reference to the cost of the unit; or

(b) Section 10AH (6)—

After section 10AH (5), insert :—

(6) Where, but for this subsection, the 65 instalments payable in respect of a unit of pension pursuant to subsection (1) would be less than the cost of the unit, the 65th instalment shall, notwithstanding that subsection, be increased by the difference.

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(5) Section 12B (9)—

After section 12B (8), insert :—

(9) Where, but for this subsection, the 65 instalments payable in respect of a unit of pension pursuant to subsection (2) would be less than the cost of the unit, the 65th instalment shall, notwithstanding that subsection, be increased by the difference.

(6) Section 12C (9)—

After section 12C (8), insert :—

(9) Where, but for this subsection, the sum of the 65 instalments payable in respect of a unit of pension pursuant to subsection (2), or of all the instalments pursuant to subsection (3), would be less than the cost of the unit, the last of the instalments shall, notwithstanding those subsections, be increased by the difference.

(7) Section 12CA (1)—

Omit “12c”, insert instead “12c (2), or all of the instalments payable under section 12C (3),”.

(8) (a) Section 17C (1)—

Omit “This subsection shall not apply in respect of a pension payable pursuant to paragraph (b) or (ii) of section 30 or paragraph (b) of subsection (1) or paragraph (b) of subsection (2) of section 31 or section 33 in respect of the

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

children of a deceased contributor or pensioner or of the children of the widow or deceased wife of a deceased contributor or pensioner.”.

(b) Section 17C (1A) —

After section 17C (1), insert :—

(1A) Subsection (1) does not apply in respect of a pension payable pursuant to section 30 (2A), 31 (1B) or 33 in respect of a child or student.

(9) Section 21 (1A)—

Omit the subsection.

(10) Section 21AA (6)—

After section 21AA (5), insert :—

(6) Where—

- (a) an election under section 21A was not made within the time prescribed in respect thereof by the foregoing provisions of this section;
- (b) the Board is satisfied that the election was not made within that time because—
 - (i) the person entitled to make the election did not know of his right to make the election; or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(ii) circumstances substantially beyond his control prevented his making the election; and

(c) the Board is satisfied that in the circumstances of the case it is desirable that the election should be accepted,

the Board may, subject to such terms and conditions as it may impose, accept the election and deal with it as if that time had been indefinitely extended.

(11) Section 32AA—

After section 32A, insert :—

32AA. Where—

(a) a male employee died before his retirement, whether before, on or after the commencement of this section;

(b) his wife died at the same moment or after he died or in circumstances rendering it uncertain which of them survived the other; and

(c) she died before a pension became payable to her under this Act consequent on his death,

he shall, for the purposes of section 32A as in force at any time, be deemed not to have been married at the time of his death.

Extension
of sec. 32A
to certain
cases where
husband and
wife die
contem-
poraneously.

(12) Sections 34, 34A, 35, 35A, 35B, 35C, 36—

Omit the sections.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(13) Section 47A—

Omit the section.

(14) (a) Section 47C (3) (a)—

Omit “and”.

(b) Section 47C (3) (b)—

Omit “months,”, insert instead “months; and”.

(c) Section 47C (3) (c)—

After section 47C (3) (b), insert :—

(c) his exit day is before the last day of the contribution period preceding that in which he would attain the maturity age,

(15) Sections 54, 55, 56, 57, 57A, 58, 59—

Omit the sections.

(16) (a) Section 61B (1), definition of “suspended part of a pension”—

Omit “section 61r”, insert instead “section 33A or 61r”.

(b) Section 61B (1), definition of “suspended pension”—

In paragraph (b), after “section”, insert “50 or”.

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(17) (a) Section 61F (2) (a)—

Omit “or”.

(b) Section 61F (2) (b), (c)—

Omit section 61F (2) (b), insert instead :—

(b) section 50 had not been enacted; or

(c) section 94 had not been enacted,

(18) Section 75 (1) (b)—

Omit “fourteen”, insert instead “15”.

(19) Section 92 (5)—

Omit the subsection.

(20) Section 93—

Omit “or in section 34”.

Superannuation (Amendment).

Sec. 5.

SCHEDULE 6.

AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS.

Schedules VII-X—

Omit the Schedules, insert instead:—

Sec. 10AD.

SCHEDULE VII.

TABLE A.

MEN.

Employee Contributions for Four Weeks.
(Contributors at 30th June, 1963.)

| Age Next Birthday. | For Each Additional Unit. | Age Next Birthday. | For Each Additional Unit. |
|-----------------------|------------------------------|-----------------------|------------------------------|
| | \$ | | \$ |
| 26 | 0.54 | 41 | 1.26 |
| 27 | 0.58 | 42 | 1.34 |
| 28 | 0.60 | 43 | 1.46 |
| 29 | 0.64 | 44 | 1.56 |
| 30 | 0.68 | 45 | 1.68 |
| 31 | 0.70 | 46 | 1.84 |
| 32 | 0.74 | 47 | 2.00 |
| 33 | 0.78 | 48 | 2.20 |
| 34 | 0.84 | 49 | 2.44 |
| 35 | 0.88 | 50 | 2.72 |
| 36 | 0.92 | 51 | 3.06 |
| 37 | 0.98 | 52 | 3.48 |
| 38 | 1.04 | 53 | 4.04 |
| 39 | 1.10 | 54 | 4.76 |
| 40 | 1.18 | 55 | 5.80 |
| | | 56-60 | 396.90 ÷ <i>n</i> |

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

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE VII—*continued.*

TABLE B.

WOMEN.

Employee Contributions for Four Weeks.
(Contributors at 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| | \$ | \$ | | \$ | \$ |
| 26 | 0.72 | 0.52 | 41 | 2.02 | 1.24 |
| 27 | 0.76 | 0.54 | 42 | 2.22 | 1.34 |
| 28 | 0.80 | 0.58 | 43 | 2.44 | 1.44 |
| 29 | 0.86 | 0.60 | 44 | 2.72 | 1.56 |
| 30 | 0.92 | 0.64 | 45 | 3.04 | 1.68 |
| 31 | 0.98 | 0.68 | 46 | 3.42 | 1.84 |
| 32 | 1.04 | 0.70 | 47 | 3.92 | 2.00 |
| 33 | 1.12 | 0.76 | 48 | 4.54 | 2.20 |
| 34 | 1.20 | 0.80 | 49 | 5.38 | 2.44 |
| 35 | 1.28 | 0.84 | 50 | 6.54 | 2.72 |
| 36 | 1.38 | 0.90 | 51 | 450.90 ÷ <i>n</i> | 3.08 |
| 37 | 1.48 | 0.96 | 52 | 450.90 ÷ <i>n</i> | 3.50 |
| 38 | 1.58 | 1.02 | 53 | 450.90 ÷ <i>n</i> | 4.06 |
| 39 | 1.72 | 1.08 | 54 | 450.90 ÷ <i>n</i> | 4.80 |
| 40 | 1.86 | 1.16 | 55 | 450.90 ÷ <i>n</i> | 5.84 |
| | | | 56-60 | | 395.54 ÷ <i>n</i> |

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

Superannuation (Amendment).

SCHEDULE 6—continued.

AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—continued.

Sec. 10AK.

SCHEDULE VIII.

TABLE A.

MEN.

Employer Contributions for Four Weeks.
(Contributors at 30th June, 1963.)

| Age Next Birthday. | For Each Additional Unit. | Age Next Birthday. | For Each Additional Unit. |
|-----------------------|------------------------------|-----------------------|------------------------------|
| | \$ | | \$ |
| 26 | 0.50 | 41 | 1.16 |
| 27 | 0.54 | 42 | 1.26 |
| 28 | 0.56 | 43 | 1.34 |
| 29 | 0.60 | 44 | 1.44 |
| 30 | 0.62 | 45 | 1.56 |
| 31 | 0.66 | 46 | 1.70 |
| 32 | 0.68 | 47 | 1.86 |
| 33 | 0.72 | 48 | 2.04 |
| 34 | 0.78 | 49 | 2.26 |
| 35 | 0.82 | 50 | 2.52 |
| 36 | 0.86 | 51 | 2.84 |
| 37 | 0.90 | 52 | 3.22 |
| 38 | 0.96 | 53 | 3.74 |
| 39 | 1.02 | 54 | 4.42 |
| 40 | 1.10 | 55 | 5.38 |
| | | 56-60 | $367.50 \div n$ |

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

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE VIII—*continued.*

TABLE B.

WOMEN.

Employer Contributions for Four Weeks.
(Contributors at 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| | \$ | \$ | | \$ | \$ |
| 26 | 0.66 | 0.48 | 41 | 1.88 | 1.14 |
| 27 | 0.70 | 0.50 | 42 | 2.06 | 1.24 |
| 28 | 0.76 | 0.54 | 43 | 2.26 | 1.34 |
| 29 | 0.80 | 0.56 | 44 | 2.52 | 1.44 |
| 30 | 0.86 | 0.60 | 45 | 2.82 | 1.56 |
| 31 | 0.90 | 0.62 | 46 | 3.16 | 1.70 |
| 32 | 0.96 | 0.66 | 47 | 3.62 | 1.86 |
| 33 | 1.04 | 0.70 | 48 | 4.20 | 2.04 |
| 34 | 1.10 | 0.74 | 49 | 4.98 | 2.26 |
| 35 | 1.18 | 0.78 | 50 | 6.06 | 2.52 |
| 36 | 1.28 | 0.84 | 51 | $417.50 \div n$ | 2.84 |
| 37 | 1.36 | 0.88 | 52 | $417.50 \div n$ | 3.26 |
| 38 | 1.46 | 0.94 | 53 | $417.50 \div n$ | 3.76 |
| 39 | 1.58 | 1.00 | 54 | $417.50 \div n$ | 4.44 |
| 40 | 1.72 | 1.08 | 55 | $417.50 \div n$ | 5.40 |
| | | | 56 to 60 | .. | $366.26 \div n$ |

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

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*

Sec. 10AD.

SCHEDULE IX.

TABLE A.

MEN.

*Employee Contributions for Four Weeks.
(Contributors after 30th June, 1963.)*

| Age Next Birthday. | For First 2 Units. | For Each Additional Unit. | Age Next Birthday. | For First 2 Units. | For Each Additional Unit. |
|-----------------------|-----------------------|---------------------------------|-----------------------|-----------------------|---------------------------------|
| | \$ | \$ | | \$ | \$ |
| 16 | 0.86 | 0.42 | 36 | 2.46 | 1.16 |
| 17 | 0.94 | 0.44 | 37 | 2.62 | 1.24 |
| 18 | 0.98 | 0.46 | 38 | 2.74 | 1.30 |
| 19 | 1.04 | 0.48 | 39 | 2.92 | 1.40 |
| 20 | 1.10 | 0.52 | 40 | 3.12 | 1.50 |
| 21 | 1.16 | 0.54 | 41 | 3.32 | 1.60 |
| 22 | 1.22 | 0.56 | 42 | 3.54 | 1.70 |
| 23 | 1.28 | 0.60 | 43 | 3.80 | 1.84 |
| 24 | 1.32 | 0.62 | 44 | 4.08 | 1.98 |
| 25 | 1.40 | 0.66 | 45 | 4.38 | 2.12 |
| 26 | 1.44 | 0.68 | 46 | 4.76 | 2.32 |
| 27 | 1.54 | 0.72 | 47 | 5.18 | 2.52 |
| 28 | 1.62 | 0.76 | 48 | 5.68 | 2.76 |
| 29 | 1.70 | 0.80 | 49 | 6.28 | 3.06 |
| 30 | 1.80 | 0.86 | 50 | 6.96 | 3.40 |
| 31 | 1.90 | 0.90 | 51 | 7.84 | 3.84 |
| 32 | 2.02 | 0.94 | 52 | 8.94 | 4.38 |
| 33 | 2.12 | 1.00 | 53 | 10.32 | 5.06 |
| 34 | 2.24 | 1.06 | 54 | 12.16 | 5.98 |
| 35 | 2.34 | 1.10 | 55 | 14.74 | 7.26 |
| | | | 56-60 | $999.36 \div n$ | $493.28 \div n$ |

NOTE. n denotes the number of complete four-weekly contributions payable before attainment of age 60.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE IX—*continued.*

TABLE B.

WOMEN.

Employee Contributions for Four Weeks.
(Contributors after 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| | \$ | \$ | | \$ | \$ |
| 16 | 0.46 | 0.34 | 36 | 1.62 | 1.06 |
| 17 | 0.48 | 0.36 | 37 | 1.74 | 1.14 |
| 18 | 0.52 | 0.38 | 38 | 1.88 | 1.20 |
| 19 | 0.54 | 0.40 | 39 | 2.02 | 1.28 |
| 20 | 0.58 | 0.42 | 40 | 2.20 | 1.38 |
| 21 | 0.62 | 0.46 | 41 | 2.40 | 1.46 |
| 22 | 0.66 | 0.48 | 42 | 2.62 | 1.58 |
| 23 | 0.70 | 0.50 | 43 | 2.90 | 1.70 |
| 24 | 0.76 | 0.54 | 44 | 3.22 | 1.84 |
| 25 | 0.82 | 0.58 | 45 | 3.60 | 2.00 |
| 26 | 0.86 | 0.62 | 46 | 4.06 | 2.18 |
| 27 | 0.90 | 0.64 | 47 | 4.64 | 2.38 |
| 28 | 0.96 | 0.68 | 48 | 5.38 | 2.62 |
| 29 | 1.02 | 0.72 | 49 | 6.38 | 2.90 |
| 30 | 1.10 | 0.76 | 50 | 7.76 | 3.22 |
| 31 | 1.16 | 0.80 | 51 | $534.40 \div n$ | 3.64 |
| 32 | 1.24 | 0.84 | 52 | $534.40 \div n$ | 4.16 |
| 33 | 1.32 | 0.90 | 53 | $534.40 \div n$ | 4.82 |
| 34 | 1.42 | 0.94 | 54 | $534.40 \div n$ | 5.70 |
| 35 | 1.50 | 1.00 | 55 | $534.40 \div n$ | 6.92 |
| | | | 56-60 | .. | $468.80 \div n$ |

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

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*

Sec. 10AK.

SCHEDULE X.

TABLE A.

MEN.

Employer Contributions for Four Weeks.
(Contributors after 30th June, 1963.)

| Age Next Birthday. | For First 2 Units. | For Each Additional Unit. | Age Next Birthday. | For First 2 Units. | For Each Additional Unit. |
|-----------------------|-----------------------|---------------------------------|-----------------------|-----------------------|---------------------------------|
| | \$ | \$ | | \$ | \$ |
| 16 | 0.54 | 0.26 | 36 | 1.54 | 0.72 |
| 17 | 0.58 | 0.28 | 37 | 1.62 | 0.78 |
| 18 | 0.62 | 0.28 | 38 | 1.72 | 0.82 |
| 19 | 0.66 | 0.30 | 39 | 1.82 | 0.88 |
| 20 | 0.68 | 0.32 | 40 | 1.96 | 0.94 |
| 21 | 0.72 | 0.34 | 41 | 2.06 | 1.00 |
| 22 | 0.76 | 0.36 | 42 | 2.22 | 1.06 |
| 23 | 0.80 | 0.38 | 43 | 2.36 | 1.14 |
| 24 | 0.84 | 0.40 | 44 | 2.56 | 1.24 |
| 25 | 0.86 | 0.40 | 45 | 2.74 | 1.32 |
| 26 | 0.90 | 0.42 | 46 | 2.96 | 1.44 |
| 27 | 0.96 | 0.46 | 47 | 3.24 | 1.58 |
| 28 | 1.02 | 0.48 | 48 | 3.56 | 1.72 |
| 29 | 1.06 | 0.50 | 49 | 3.92 | 1.92 |
| 30 | 1.12 | 0.54 | 50 | 4.36 | 2.12 |
| 31 | 1.20 | 0.56 | 51 | 4.90 | 2.40 |
| 32 | 1.26 | 0.58 | 52 | 5.58 | 2.74 |
| 33 | 1.32 | 0.62 | 53 | 6.46 | 3.16 |
| 34 | 1.40 | 0.66 | 54 | 7.60 | 3.74 |
| 35 | 1.48 | 0.70 | 55 | 9.22 | 4.54 |
| | | | 56-60 | $624.60 \div n$ | $308.30 \div n$ |

NOTE. n denotes the number of complete four-weekly contributions payable before attainment of age 60.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE X—*continued.*

TABLE B.

WOMEN.

Employer Contributions for Four Weeks.
(Contributors after 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| \$ | \$ | | | \$ | \$ |
| 16 | 0.28 | 0.20 | 36 | 1.02 | 0.66 |
| 17 | 0.30 | 0.22 | 37 | 1.10 | 0.70 |
| 18 | 0.32 | 0.24 | 38 | 1.18 | 0.76 |
| 19 | 0.34 | 0.26 | 39 | 1.26 | 0.80 |
| 20 | 0.36 | 0.26 | 40 | 1.38 | 0.86 |
| 21 | 0.40 | 0.28 | 41 | 1.50 | 0.92 |
| 22 | 0.42 | 0.30 | 42 | 1.64 | 1.00 |
| 23 | 0.44 | 0.32 | 43 | 1.80 | 1.06 |
| 24 | 0.48 | 0.34 | 44 | 2.00 | 1.16 |
| 25 | 0.50 | 0.36 | 45 | 2.26 | 1.26 |
| 26 | 0.54 | 0.38 | 46 | 2.54 | 1.36 |
| 27 | 0.56 | 0.40 | 47 | 2.90 | 1.48 |
| 28 | 0.60 | 0.42 | 48 | 3.36 | 1.64 |
| 29 | 0.64 | 0.46 | 49 | 3.98 | 1.80 |
| 30 | 0.68 | 0.48 | 50 | 4.86 | 2.02 |
| 31 | 0.72 | 0.50 | 51 | $334.00 \div n$ | 2.28 |
| 32 | 0.78 | 0.52 | 52 | $334.00 \div n$ | 2.60 |
| 33 | 0.82 | 0.56 | 53 | $334.00 \div n$ | 3.00 |
| 34 | 0.88 | 0.60 | 54 | $334.00 \div n$ | 3.56 |
| 35 | 0.94 | 0.62 | 55 | $334.00 \div n$ | 4.32 |
| | | | 56-60 | .. | $293.00 \div n$ |

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

SCHEDULE

Superannuation (Amendment).

Sec. 5.

SCHEDULE 7.

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS.

(1) Section 10AD (3)—

Omit the subsection.

(2) Section 10AD (6)—

After section 10AD (5), insert :—

(6) The substitution of Schedules VII and IX by the Superannuation (Amendment) Act, 1977, does not affect the rate of contribution on or after 13th January, 1978, for any unit of pension where contributions for the unit have been paid, or are payable, in accordance with this Act in respect of any period before that date.

(3) Section 10AK (5)—

After section 10AK (4), insert :—

(5) The substitution of Schedules VIII and X by the Superannuation (Amendment) Act, 1977, does not affect the rate of contribution on or after 13th January, 1978, for any unit of pension where contributions for the unit have been paid, or are payable, in accordance with this Act in respect of any period before that date.

(4) Section 37—

Omit the section, insert instead :—

37. (1) In the case of the retrenchment of an employee who was a contributor at 30th June, 1963, he shall, if he elects under section 38B to take the

SCHEDULE

Choice of
retrench-
ment
benefits.

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

benefit of this section instead of section 38A, be entitled to choose at the time of making that election either—

(a) a lump sum payment equal to three and one-half times the sum of—

(i) the contributions paid by him under this Act (but without interest) before 13th January, 1952; and

(ii) ten-elevenths of the contributions paid by him under this Act (but without interest) on or after 13th January, 1952,

in determination of all rights given by this Act (subsection (4) excepted); or

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

(2) In the case of the retrenchment of an employee who became or becomes a contributor on or after 1st July, 1963, he shall, if he elects under section 38B to take the benefit of this section instead of section 38A, be entitled to choose at the time of making that election either—

(a) a lump sum payment equal to two and one-half times the contributions paid by him under this Act (but without interest), in determination of all rights given by this Act (subsection (4) excepted); or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENTIAL ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

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

(3) In default of an employee's choice under subsection (1) or (2), the Board shall determine the matter.

(4) An employee entitled to—

(a) a lump sum payment under subsection (1)
(a) is also entitled to a lump sum payment equal to two and one-half times an amount equal to ten-elevenths of the contributions; or

(b) a lump sum payment under subsection (2)
(a) is also entitled to a lump sum payment equal to one and one-half times an amount equal to the contributions,

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

(5) Where an employee who has been retrenched and is in receipt of a pension thereafter enters the service of an employer—

(a) the pension shall not cease to be payable;

SCHEDULE

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

- (b) the employee shall contribute as provided in Part III; and
- (c) the employee shall not be entitled to count his service prior to retrenchment as service for the purpose of any other pension or benefit under this Act.

(6) Where an employee who has been retrenched and has received a lump sum under this section, as in force at any time, thereafter enters the service of an employer, he is not entitled to claim any further benefit in respect of his previous service unless he complies with section 38c.

(7) Where an employee who was a contributor at 30th June, 1963, and who has been retrenched, is entitled to the lump sum payment under subsection (1) (a) or elects under section 38B to take the benefit of section 38A instead of this section, the employer from whose service the employee has been retrenched shall pay to the Fund on requisition by the Board a lump sum equal to the difference between—

- (a) one and one-half times the sum of—
 - (i) the contributions paid by the employee under this Act before 13th January, 1952; and
 - (ii) ten-elevenths of the contributions paid by the employee under this Act on or after 13th January, 1952; and

*Superannuation (Amendment).*SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

(b) one-eleventh of the contributions paid by the employee under this Act on or after that date.

(8) Where an employee who became or becomes a contributor on or after 1st July, 1963, and who has been retrenched, is entitled to the lump sum payment under subsection (2) (a) or elects under section 38B to take the benefit of section 38A instead of this section, the employer from whose service the employee has been retrenched shall pay to the Fund on requisition by the Board a lump sum equal to seven-eighths of the amount of contributions paid by the employee under this Act.

(9) Where a lump sum is payable to an employee under subsection (4), the employer from whose service the employee has been retrenched shall pay to the Fund on requisition by the Board a lump sum equal to the firstmentioned lump sum.

(10) For the purposes of this section, contributions paid to the Fund under section 3 of the Superannuation (Amendment) Act, 1951, as in force at any time, shall be deemed to have been paid to the Fund under this Act.

(5) Section 38A (3)—

Omit "subsection (5) or (5A) of section 37", insert instead "section 37 (7) or (8)".

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

- (6) Section 47c (6)—
Omit “37 (2A)”, insert instead “37 (4)”.

2. The Principal Act, as amended by this Act, applies to and in respect of a pension referred to in clause 1 as if it were a pension under section 30 or 31. The case may require the col.

3. The entitlement of any person to a pension under the Principal Act continues notwithstanding that the case may require the col. Sec. 6.

AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1951, RELATING TO THE RATES OF CONTRIBUTIONS.

- (1) Section 3—

Omit the section.

- (2) (a) Section 4 (2) (a)—

Omit “contributions made to the fund by the pensioner or deceased pensioner or contributor pursuant to section three of this Act”, insert instead “one-eleventh of the total contributions paid to the fund on or after 13th January, 1952, by the pensioner or deceased pensioner or contributor”.

- (b) Section 4 (4)—

Omit the subsection.

Superannuation (Amendment).

Sec. 7.**SCHEDULE 9.****SAVINGS AND TRANSITIONAL PROVISIONS.**

1. Where a pension was payable immediately before the commencement of Schedule 4 by virtue of the provisions of section 30 (5) or (6) or section 31 (4) or (5) of the Principal Act, the entitlement of any person to the pension continues notwithstanding the omission of those provisions by section 5 and Schedule 4.

2. The Principal Act, as amended by this Act, applies to and in respect of a pension referred to in clause 1 as if it were a pension under section 30 or 31, as the case may require, thereof.

3. The entitlement of any person to a pension under the Principal Act continues notwithstanding the omission of any section of that Act by section 5 and Schedule 5

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

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, 2 December, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 137, 1977.

An Act to amend the Superannuation Act, 1916, and the Superannuation (Amendment) Act, 1951, with respect to the death and breakdown benefits payable to or in respect of contributors to the State Superannuation Fund, the payment of pensions in respect of children and the tables of contributions payable by employees and employers, and for certain other purposes. [Assented to, 21st December, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Superannuation (Amendment).

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

Short
title.

1. This Act may be cited as the "Superannuation (Amendment) Act, 1977".

Commence-
ment.

2. (1) This section and sections 1, 3, 4 and 7 shall commence on the date of assent to this Act.

(2) Sections 5 and 6 shall, in their respective application to a provision of Schedules 1–8, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced.

(3) Schedule 1 shall commence on 13th January, 1978.

(4) Schedule 2 shall commence on the date of assent to this Act.

(5) Schedule 3 (1) and (3) shall commence on the date of assent to this Act.

(6) Schedule 3 (2) shall be deemed to have commenced on 13th January, 1977.

(7) Schedule 4 shall be deemed to have commenced on 1st July, 1977.

(8)

Superannuation (Amendment).

(8) Schedule 5 shall, except as provided in subsection (9), commence on the date of assent to this Act.

(9) Schedule 5 (2), (3), 4 (a) and (7) shall be deemed to have commenced on 13th January, 1977.

(10) Schedules 6–8 shall commence on 13th January, 1978.

(11) Schedule 9 shall commence on the date of assent to this Act.

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

4. This Act contains the following Schedules :—

Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH AND BREAKDOWN BENEFITS AND THE ABOLITION OF THE CATEGORIES OF CONTRIBUTORS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE DEFINITION OF “SALARY”.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO REDUCTIONS IN SALARY.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO CHILDREN’S PENSIONS.

SCHEDULE 5.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 6.—AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE TABLES OF CONTRIBUTIONS.

SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON THE VARIATION OF THE TABLES OF CONTRIBUTIONS.

SCHEDULE 8.—AMENDMENTS TO THE SUPERANNUATION (AMENDMENT) ACT, 1951, RELATING TO THE RATES OF CONTRIBUTIONS.

SCHEDULE 9.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amend-
ment of
Act No. 28,
1916.

5. The Principal Act is amended in the manner set forth in Schedules 1–7.

Amend-
ment of
Act No. 53,
1951.

6. The Superannuation (Amendment) Act, 1951, is amended in the manner set forth in Schedule 8.

Savings
and
transi-
tional
provisions.

7. Schedule 9 has effect.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS.

(1) Section 2—

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

PART IIA.—MEDICAL EXAMINATION OF CON-
TRIBUTORS—SS. 10A–10D.

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

Omit the definitions.

(3) Part IIA—

Omit the Part, insert instead :—

PART IIA.

MEDICAL EXAMINATION OF CONTRIBUTORS.

10A. In this Part—

“prescribed medical examination” means—

Interpre-
tation:
Pt. IIA.

- (a) in relation to an employee who com-
menced his employment as an
employee before 13th January,
1978, a medical examination to
which he was required to submit
himself—

- (i) under this Part as in force
at the date on which he
commenced his employ-
ment;

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—continued.

**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—continued.**

- (ii) under section 11A or 38C
as in force at the date on
which he commenced his
employment; or
- (iii) under clause 1 of Schedule
XVII; or
- (b) in relation to an employee who
commenced his employment as an
employee on or after 13th January,
1978, a medical examination
(whether or not made for the
purposes of his employment by
an employer) of the prescribed
standard;

“prescribed standard” means the standard determined by the Minister on the recommendation of the Government Actuary and the Government Medical Officer to be the same or substantially the same as that prevailing in 1977 in respect of medical examinations prescribed under section 27 (1) (a) of the Public Service Act, 1902.

**Medical
examina-
tion.**

10B. Where a person is not required for the purposes of his employment by an employer to undergo a medical examination of the prescribed standard, the Board may require the person to undergo such a medical examination.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

10c. (1) Where an employee is required to submit himself to a prescribed medical examination and, in the opinion of the Board—

Failure,
etc., to
undergo
medical
examina-
tion.

(a) does not, either before or as soon as practicable after the commencement of his employment (whether before, on or after 13th January, 1978) submit himself to the examination;

(b) refuses or wilfully neglects to submit himself to the examination; or

(c) fails to satisfy the requirements of the examination,

the Board shall, except as provided by subsection (2), treat him as if he were not and had not, since the date of commencement of his employment, been an employee.

(2) Where an employee, being an employee who, in the opinion of the Board, did not submit himself to a prescribed medical examination as referred to in subsection (1) (a), ceases to be an employee, the Board may, if it is of the opinion, having regard to such evidence as is available to it, that he would have satisfied the requirements of a prescribed medical examination, treat him, for the period of his employment, as if he were an employee.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

Suppressed
or mis-
leading
informa-
tion.

10D. (1) This section applies to a person if he was medically examined at a prescribed medical examination and the Government Medical Officer, at any time after a report is made with respect to the examination, forms the opinion that the person suppressed information, or gave misleading information, in connection with the examination and that, as a result, the report would have been different if all information, or correct information, in that connection had been given.

(2) The Board may require a person to whom this section applies to undergo a medical examination of the prescribed standard.

(3) The Board may, in relation to a person to whom this section applies (whether or not he has undergone a medical examination in accordance with a requirement under subsection (2))—

(a) treat the person for the purposes of this Act in such manner; and

(b) take such action,

as will, in the opinion of the Board, result in the person, and his widow and children, as the case may require, being placed, as nearly as possible, in the position under this Act that he, she or they would be or would have been placed at all relevant times had all the information, or correct information, been given as referred to in subsection (1).

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

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

- (a) discontinuing or varying the rate of any pension;
- (b) paying the whole or any part of a lump sum;
- (c) refunding all or any contributions made to the Fund;
- (d) recovering, pursuant to section 91A, the whole or part of any pension paid or any amount paid by reason of a commutation of pension.

(4) (a) Section 10R (4) (a)—
Omit “employee;”, insert instead “employee; or”.

(b) Section 10R (4) (b)—
Omit “or”.

(c) Section 10R (4) (c)—
Omit the paragraph.

(5) (a) Section 10Z (4) (a)—
Omit “unit;”, insert instead “unit; or”.

(b) Section 10Z (4) (b)—
Omit “or”.

SCHEDULE

Superannuation (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
 AND BREAKDOWN BENEFITS AND THE ABOLITION OF
 THE CATEGORIES OF CONTRIBUTORS—*continued.*

(c) Section 10z (4) (c)—

Omit the paragraph.

(6) Section 10AH (2) (c)—

Omit “or the employee was a contributor in the provisional category”.

(7) Section 21AB—

Omit the section.

(8) Section 27 (1A)—

Omit the subsection.

(9) Sections 29, 29A—

Omit the sections, insert instead :—

Pension
payable on
retirement
through
invalidity,
etc.

29. (1) Except as provided by subsections (2) and (3), if a contributor is retired on the ground of invalidity or physical or mental incapacity to perform his duties, he shall, subject to section 10AA (2), be entitled to the full pension for which he was contributing as at his exit day.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

(2) If a contributor—

- (a) being a person who became a contributor on or after 13th January, 1978; or
- (b) being a person who, immediately before 13th January, 1978, was—
 - (i) a contributor accepted or treated as a contributor for limited benefits under this Act as then in force; or
 - (ii) a contributor accepted or treated as a contributor in the provisional category under this Act as then in force,

is retired on the ground of invalidity or physical or mental incapacity to perform his duties and the number of years (disregarding any fraction of a year) comprising the period from the date when he last became a contributor and his exit day, after having subtracted from that period any period of retirement pursuant to section 22 in respect of which he received a pension under this Act, is less than 10, he shall be entitled to a pension, the amount of which shall be calculated in accordance with the formula—

$$P = \frac{A}{100} \left(80 + \frac{20B}{C} \right)$$

where, in relation to the contributor—

“P” is the amount of the pension per fortnight;

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

“A” is the amount of pension per fortnight that would have been payable to him under subsection (1) had he been a person to whom that subsection applies;

“B” is the number of years (disregarding any fraction of a year) comprising the period from the date when he last became a contributor to his exit day, after having subtracted from that period any period of retirement pursuant to section 22 in respect of which he received a pension under this Act; and

“C” is—

- (a) the number of years (disregarding any fraction of a year) comprising the period from the date when he last became a contributor to the last day of the contribution period preceding that in which he would attain the maturity age; or

- (b) 10,

whichever is the lesser.

(3) If, in respect of a contributor referred to in subsection (2) (b) (other than a contributor referred to in subsection (2) (b) (ii)), the amount of pension to which he would have been entitled, had this Act not been amended by the Superannuation (Amendment) Act, 1977, is greater than the amount

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

to which he would otherwise be entitled under subsection (2), he shall, notwithstanding subsection (2), be entitled to a pension of the greater amount.

(4) A contributor to whom this section applies shall be granted payment of pension for one year only at a time and a fresh application shall, unless the Board from time to time otherwise determines, be necessary before any further payment is made.

(5) Pension payable under this section shall, notwithstanding anything contained in this or any other Act, commence and be payable as from the date following that upon which all leave of absence, other than extended leave, if taken, would have terminated.

(6) Contributions payable by or in respect of a contributor to whom this section applies cease to be payable on the first day of the contribution period during which the pension becomes payable pursuant to subsection (5).

(7) Schedule XVII has effect.

(10) (a) Section 30 (1)—

Omit "contributor (aged, in the case of a contributor for limited benefits or a contributor in the provisional category, sixty years or more)", insert instead "contributor,".

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

- (b) Section 30 (2)—
Omit the subsection.
- (c) Section 30 (4)—
Omit the subsection.
- (11) (a) Section 31 (1) (a) (i)—
Omit the subparagraph.
- (b) Section 31 (1) (a) (ii)—
Omit “in any other case,”.
- (c) Section 31 (3)—
Omit the subsection.
- (12) Section 32B—
Omit “subsection (3) of section 29”, insert instead
“section 29 (5)”.
- (13) Section 33 (3)—
Omit the subsection.
- (14) Section 38c (3) (a)—
Omit “29A,”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

(15) (a) Section 47c (1) (a)—

Omit “contributor;”, insert instead “contributor;
or”.

(b) Section 47c (1) (b)—

Omit the paragraph.

(c) Section 47c (6)—

Omit “29A (1),”.

(16) (a) Section 47D (4)—

Omit “29”, insert instead “29 (2)”.

(b) Section 47D (4)—

Omit “for limited benefits”.

(17) Section 51 (3)—

After “Act”, insert “, but except as prescribed”.

(18) Schedule XV—

Omit the Schedule.

(19) Schedule XVII—

After Schedule XVI, insert :—

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

Sec. 29 (7).

SCHEDULE XVII.

TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977.

PART 1.

MEDICAL EXAMINATIONS.

1. An employee who, immediately before 13th January, 1978—

- (a) was a contributor to whom section 10B as then in force applied; and
- (b) had not complied with that section,

shall, notwithstanding the Superannuation (Amendment) Act, 1977, comply with that section as if it had continued in force on and after 13th January, 1978.

2. Where—

- (a) a report is made by the Government Medical Officer in respect of—
 - (i) an employee to whom section 10c as in force immediately before 13th January, 1978, applied; or
 - (ii) an employee to whom clause 1 applies;
- (b) the report indicates that the employee is suffering from any physical or mental defect which is likely to affect his health or longevity or his capacity to continue in his employment; and
- (c) the Board, in respect of such a report made before 13th January, 1978, has not made a decision under section 10c (2) as in force immediately before 13th January, 1978,

the Board may, for the purposes of section 29, treat the employee as if he were a person referred to in section 29 (2) (b).

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

SCHEDULE XVII—*continued.*

TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

3. Where a person—

(a) who, immediately before 13th January, 1978, was—

(i) a contributor accepted or treated as a contributor
for limited benefits under this Act as then in force;
or

(ii) a contributor accepted or treated as a contributor in
the provisional category under this Act as then in
force; and

(b) whose medical examination under section 10F (1) (a) or
(3) as then in force had commenced before the date of
assent to the Superannuation (Amendment) Act, 1977,

produces a report from the Government Medical Officer stating that
the Government Medical Officer has caused him to be medically
examined and that his health warrants his acceptance as a contributor
for full benefits within the meaning of this Act as in force immediately
before 13th January, 1978, the Board may, for the purposes of
section 29, treat him as if he were a person referred to in section 29
(1).

Superannuation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*SCHEDULE XVII—*continued.*TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

PART 2.

ELECTION OF CERTAIN PERSONS TO CONTRIBUTE TO THE FUND.

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

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

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

(4) An election under subclause (2) is of no effect unless made with the approval of the Board given in special circumstances.

5. (1) A person who—

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

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

may elect to contribute to the Fund.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

SCHEDULE XVII—*continued.*

TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

(2) An election under subclause (1) is of no effect unless made
with the approval of the Board given in special circumstances.

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

PART 3.

PENSIONS.

6. In this Part, "breakdown", in relation to a person, means his
retirement on the ground of invalidity or physical or mental incapacity
to perform his duties.

7. (1) In this clause, "contributor for limited benefits" means a
contributor accepted or treated as a contributor for limited benefits
under this Act as in force immediately before 13th January, 1978.

(2) Where, on and from 13th January, 1978, pension is payable
in respect of the breakdown or death of a contributor for limited
benefits, or a former contributor for limited benefits, whose exit day
occurred before 13th January, 1978, the amount of pension shall be
calculated as if section 29 had been in force at his exit day but as if
section 29 (2) (a) and (b) had not been enacted.

8. (1) In this clause, "contributor in the provisional category"
means a contributor accepted or treated as a contributor in the pro-
visional category under this Act as in force immediately before 13th
January, 1978.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO DEATH
AND BREAKDOWN BENEFITS AND THE ABOLITION OF
THE CATEGORIES OF CONTRIBUTORS—*continued.*

SCHEDULE XVII—*continued.*

TRANSITIONAL AND OTHER PROVISIONS ARISING FROM THE
SUPERANNUATION (AMENDMENT) ACT, 1977—*continued.*

(2) Where a lump sum paid to a contributor in the provisional category or his widow under section 29A as in force immediately before 13th January, 1978, is repaid, pension shall, from the date on which the lump sum is repaid, be payable to or in respect of the contributor as if this Act, as amended by the Superannuation (Amendment) Act, 1977, had been in force at his exit day but as if section 29 (2) (a) and (b) had not been enacted.

9. The amounts payable from the Fund and by an employer in relation to—

- (a) a pension payable under section 29;
- (b) an increase in the amount of pension under clause 7 (2); or
- (c) a pension payable under clause 8 (2),

shall be in the same proportion as the amounts payable in relation to a contributor under section 29 (1) (a) as in force immediately before 13th January, 1978.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
DEFINITION OF "SALARY".

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

In paragraph (a), after "bonus", insert " , or an allowance in lieu of overtime".

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

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

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

From paragraph (f), omit "paragraph.", insert
instead "paragraph,".

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

At the end of the definition, insert :—

but, notwithstanding anything in the foregoing
provisions, includes any remuneration or
benefit declared pursuant to section 12E to
be salary within the meaning of this Act.

(2) Section 12E—

After section 12D, insert :—

12E. (1) The regulations may declare—

- (a) any remuneration of a specified kind and
included within any of the paragraphs of
the definition of "Salary" in section 3 (1);
or
(b) any other remuneration or benefit of a
specified kind,

Declara-
tions for
the
purposes of
definition
of "Salary".

to be, either generally or in relation to any specified
class of employees, salary within the meaning of this
Act.

(2) A declaration referred to in subsection
(1) applies to remuneration or a benefit payable or
afforded to an employee only if—

- (a) it is payable in money at an annual rate to
the employee in his capacity as an
employee; or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO THE
DEFINITION OF "SALARY"—*continued.*

- (b) his employer, or a person duly authorised to do so on behalf of the employer, certifies in writing to the Board that it should be treated as remuneration or a benefit payable in money at an annual rate to the employee in his capacity as an employee, and also certifies the amount of that rate.

(3) Where remuneration or a benefit is the subject of a certificate referred to in subsection (2) (b), it shall, for the purposes of this Act, be deemed to be remuneration or a benefit payable in money at the certified annual rate to the employee in his capacity as an employee.

(4) A declaration may be made so as to operate as from any date after 9th March, 1976.

(5) Where—

- (a) a declaration operates as from a date before the declaration is made; and
- (b) the appropriate contributions in respect of any additional units of pension concerned (being the contributions that would have been already payable in accordance with this Act had the remuneration or benefit in fact been salary within the meaning of this Act in accordance with the declaration) have been paid to the Board by or in respect of an employee to whom the declaration relates within a period approved by the Board,

SCHEDULE

Superannuation (Amendment).

SCHEDULE 2—*continued.*

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

then, for all purposes of this Act—

- (c) the employee's salary shall be deemed to have included the remuneration or benefit in accordance with the declaration; and
- (d) the employee shall be deemed to have been contributing for the additional units as from the commencement of the period to which the contributions referred to in paragraph (b) relate.

(6) In this section, "employee" includes former employee.

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCTIONS IN SALARY.

(1) Section 2—

From the matter relating to Division 3 of Part III omit "s. 10w", insert instead "ss. 10w, 10wa".

(2) (a) Section 10w (2) (b) (v)—

Omit "1976,", insert instead "1976;".

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—continued.**AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
REDUCTIONS IN SALARY—continued.****(b) Section 10w (2) (b) (vi)—**

After section 10w (2) (b) (v), insert :—

- (vi) the day as from which the number of units of pension for which he was contributing was reduced under this section,

(c) Section 10w (5)—

Omit “payment of”, insert instead “retention of entitlement to”.

(3) Section 10wA—

After section 10w, insert :—

**Fluctuations
in salary.**

10wA. (1) Where the number of units of pension that, pursuant to section 12 (1), was appropriate to the salary actually being paid to a contributor at any time after 12th January, 1976, was higher than the number of units that, pursuant to section 12 (1), was or is appropriate to the salary actually being paid to him at his next review day after that time, the Board may determine that his salary as at the review day shall be treated as if it had been equal to his salary as at the earlier time.

(2) A determination under this section shall not take effect unless the appropriate contributions in respect of the additional units of pension (being the contributions that would have been already or would be payable in accordance with this Act had the greater salary in fact been paid to him at the review day) have been or are paid to the Board within a period approved by the Board.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 3—*continued.*

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

(3) Where a determination under this section has effect, then, for all purposes of this Act—

- (a) the contributor's salary shall be treated in accordance with the determination; and
- (b) the contributor shall be deemed to have been contributing for the additional units of pension as from the commencement of the period to which the contributions referred to in subsection (2) relate.

(4) In this section—

“contributor” includes former contributor;

“review day” means entry review day, annual review day or exit day.

SCHEDULE 4.

Sec. 5.

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

(1) Section 3 (1), definition of “Child”—

Before the definition of “Civil Service Acts”, insert :—

“Child” means a child who has not attained the age of 18 years, and, without limiting the operation of the Children (Equality of Status) Act, 1976, includes an exnuptial child who has not attained that age.

SCHEDULE

Superannuation (Amendment).

 SCHEDULE 4—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
 CHILDREN'S PENSIONS—*continued.*

(2) (a) Section 30 (1) (a)—

Omit "and".

(b) Section 30 (1) (b)—

Omit the paragraph.

(c) Section 30 (2) (a)—

Omit "and".

(d) Section 30 (2) (b)—

Omit the paragraph.

(e) Section 30 (2A), (2B)—

After section 30 (2), insert :—

(2A) On the death of a male contributor, a pension of the appropriate amount per week under section 61M is payable in respect of—

(a) each of the contributor's children; and

(b) each of the contributor's widow's children, except children who are born after the contributor's death and who are not the contributor's children,

being in each case children whose mother is living.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—*continued.*

(2B) If the widow of a contributor subsequently marries a contributor or pensioner, nothing in subsection (2A) prevents the payment of a pension, in respect of a child, in consequence of the death of the contributor or pensioner whom she so subsequently married.

(f) Section 30 (3)—

Omit "If any such widow subsequently marries a contributor or pensioner the widow shall, notwithstanding paragraph (b) of subsection (1) or (2), upon his death be paid in respect of children of such remarriage who are under eighteen years of age, a pension of the appropriate amount per week under section 61M."

(g) Section 30 (3)—

Omit "If any such widow" where secondly occurring, insert instead "If the widow of a contributor".

(h) Section 30 (5), (6)—

Omit the subsections.

(3) (a) Section 31 (1) (a) (ii)—

Omit "section 28B, and", insert instead "section 28B;".

(b) Section 31 (1) (b)—

Omit the paragraph.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—*continued.*

(c) Section 31 (1A)—

Omit "otherwise than in respect of a child or children".

(d) Section 31 (1B), (1C)—

After section 31 (1A), insert :—

(1B) On the death of a male pensioner, a pension of the appropriate amount per week under section 61M is payable in respect of—

(a) each of the pensioner's children; and

(b) each of the pensioner's widow's children, except children who are born after the pensioner's death and who are not the pensioner's children,

being in each case children whose mother is living.

(1C) If the widow of a pensioner subsequently marries a contributor or pensioner, nothing in subsection (1B) prevents the payment of a pension, in respect of a child, in consequence of the death of the contributor or pensioner whom she so subsequently married.

(e) Section 31 (2)—

Omit "If any such widow subsequently marries a contributor or pensioner the widow shall, notwithstanding paragraph (b) of subsection (1), upon his death be paid in respect of children of

SCHEDULE

Superannuation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—*continued.*

such remarriage who are under the age of eighteen years, a pension of the appropriate amount per week under section 61M.”.

(f) Section 31 (2)—

Omit “If any such widow” where secondly occurring, insert instead “If the widow of a pensioner”.

(g) Section 31 (4), (5)—

Omit the subsections.

(4) (a) Section 33 (1)—

Omit the subsection, insert instead :—

(1) On the death of a male contributor or a male pensioner, a pension of the appropriate amount per week under section 61N is payable in respect of—

(a) each of the contributor's children or pensioner's children; and

(b) each of the contributor's widow's children or pensioner's widow's children, except children who are born after the contributor's death or pensioner's death and who are not the contributor's or pensioner's children,

being in each case children whose mother died before, or is divorced from, the contributor or pensioner.

Superannuation (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, RELATING TO
CHILDREN'S PENSIONS—*continued.*

(b) Section 33 (2)—

Omit the subsection, insert instead :—

(2) Where a pension in respect of a child is paid under section 30 or 31, and the mother of the child dies, a pension of the appropriate amount per week under section 61N is payable in respect of the child.

(5) Section 43—

Omit the section, insert instead :—

Payments
in respect
of children.

43. (1) A pension payable under this Act in respect of a child shall be paid to the child's mother, if living.

(2) Notwithstanding anything elsewhere contained in this Act, any money payable out of the Fund under this Act in respect of a child may, at the discretion of the Board, be paid to the child's guardian or expended by the Board for the benefit of the child.

(3) Not more than one pension may be paid in respect of the one child during any one period and where, but for this subsection, pensions would be payable, in respect of the child, of the appropriate amount per week under both section 61M and section 61N, the pension payable shall be that of the appropriate amount per week under section 61N.

(6) Section 47 (1)—

Omit "that marriage", insert instead "the pensioner".

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 2—

From the matter relating to Division 2 of Part IV, omit “47A”, insert instead “47B”.

(b) Section 2—

From the matter relating to Division 4 of Part IV, omit “ss. 53–59”, insert instead “s. 53”.

(2) Section 10o (3)—

After section 10o (2), insert :—

(3) Where—

(a) a contributor’s first annual adjustment day falls before 31st December, 1977;

(b) he contributes to the Fund in respect of an additional number of units of pension as on and from that adjustment day; and

(c) he was a contributor at 12th January, 1977,

he shall, for the purposes of section 28A, be deemed to have commenced contributing for those units as from 13th January, 1976, or the day on which he became a contributor, whichever is the later.

(3) Section 10AA (2)—

After “Pension”, insert “(other than pension payable under section 37)”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(4) (a) Section 10AH (5) (a)—

Omit the paragraph, insert instead :—

(a) in relation to an employee who ceases to be employed by the employer before attaining the maturity age and who commenced contributing for the unit of pension—

(i) before the contribution period in which he would attain the maturity age—a reference to the total amount of contributions that would have been payable up to and including that date had the tables of contributions fixed by or under this Act been applicable to him in respect of the unit; or

(ii) after the contribution period in which he would attain the maturity age—a reference to the cost of the unit; or

(b) Section 10AH (6)—

After section 10AH (5), insert :—

(6) Where, but for this subsection, the 65 instalments payable in respect of a unit of pension pursuant to subsection (1) would be less than the cost of the unit, the 65th instalment shall, notwithstanding that subsection, be increased by the difference.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(5) Section 12B (9)—

After section 12B (8), insert :—

(9) Where, but for this subsection, the 65 instalments payable in respect of a unit of pension pursuant to subsection (2) would be less than the cost of the unit, the 65th instalment shall, notwithstanding that subsection, be increased by the difference.

(6) Section 12C (9)—

After section 12C (8), insert :—

(9) Where, but for this subsection, the sum of the 65 instalments payable in respect of a unit of pension pursuant to subsection (2), or of all the instalments pursuant to subsection (3), would be less than the cost of the unit, the last of the instalments shall, notwithstanding those subsections, be increased by the difference.

(7) Section 12CA (1)—

Omit “12C”, insert instead “12C (2), or all of the instalments payable under section 12C (3),”.

(8) (a) Section 17C (1)—

Omit “This subsection shall not apply in respect of a pension payable pursuant to paragraph (b) or (ii) of section 30 or paragraph (b) of subsection (1) or paragraph (b) of subsection (2) of section 31 or section 33 in respect of the

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

children of a deceased contributor or pensioner or of the children of the widow or deceased wife of a deceased contributor or pensioner.”.

(b) Section 17C (1A) —

After section 17C (1), insert :—

(1A) Subsection (1) does not apply in respect of a pension payable pursuant to section 30 (2A), 31 (1B) or 33 in respect of a child or student.

(9) Section 21 (1A)—

Omit the subsection.

(10) Section 21AA (6)—

After section 21AA (5), insert :—

(6) Where—

(a) an election under section 21A was not made within the time prescribed in respect thereof by the foregoing provisions of this section;

(b) the Board is satisfied that the election was not made within that time because—

(i) the person entitled to make the election did not know of his right to make the election; or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(ii) circumstances substantially beyond his control prevented his making the election; and

(c) the Board is satisfied that in the circumstances of the case it is desirable that the election should be accepted,

the Board may, subject to such terms and conditions as it may impose, accept the election and deal with it as if that time had been indefinitely extended.

(11) Section 32AA—

After section 32A, insert :—

32AA. Where—

- | | |
|---|---|
| <p>(a) a male employee died before his retirement, whether before, on or after the commencement of this section;</p> <p>(b) his wife died at the same moment or after he died or in circumstances rendering it uncertain which of them survived the other; and</p> <p>(c) she died before a pension became payable to her under this Act consequent on his death,</p> | <p>Extension of sec. 32A to certain cases where husband and wife die contemporaneously.</p> |
|---|---|

he shall, for the purposes of section 32A as in force at any time, be deemed not to have been married at the time of his death.

(12) Sections 34, 34A, 35, 35A, 35B, 35C, 36—

Omit the sections.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(13) Section 47A—

Omit the section.

(14) (a) Section 47C (3) (a)—

Omit “and”.

(b) Section 47C (3) (b)—

Omit “months,”, insert instead “months; and”.

(c) Section 47C (3) (c)—

After section 47C (3) (b), insert :—

- (c) his exit day is before the last day of the contribution period preceding that in which he would attain the maturity age,

(15) Sections 54, 55, 56, 57, 57A, 58, 59—

Omit the sections.

(16) (a) Section 61B (1), definition of “suspended part of a pension”—

Omit “section 61r”, insert instead “section 33A or 61r”.

(b) Section 61B (1), definition of “suspended pension”—

In paragraph (b), after “section”, insert “50 or”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(17) (a) Section 61F (2) (a)—

Omit “or”.

(b) Section 61F (2) (b), (c)—

Omit section 61F (2) (b), insert instead :—

(b) section 50 had not been enacted; or

(c) section 94 had not been enacted,

(18) Section 75 (1) (b)—

Omit “fourteen”, insert instead “15”.

(19) Section 92 (5)—

Omit the subsection.

(20) Section 93—

Omit “or in section 34”.

*Superannuation (Amendment).***Sec. 5.****SCHEDULE 6.****AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS.**

Schedules VII-X—

Omit the Schedules, insert instead :—

Sec. 10AD.**SCHEDULE VII.****TABLE A.****MEN.***Employee Contributions for Four Weeks.
(Contributors at 30th June, 1963.)*

| Age Next Birthday. | For Each Additional Unit. | Age Next Birthday. | For Each Additional Unit. |
|-----------------------|------------------------------|-----------------------|------------------------------|
| | \$ | | \$ |
| 26 | 0.54 | 41 | 1.26 |
| 27 | 0.58 | 42 | 1.34 |
| 28 | 0.60 | 43 | 1.46 |
| 29 | 0.64 | 44 | 1.56 |
| 30 | 0.68 | 45 | 1.68 |
| 31 | 0.70 | 46 | 1.84 |
| 32 | 0.74 | 47 | 2.00 |
| 33 | 0.78 | 48 | 2.20 |
| 34 | 0.84 | 49 | 2.44 |
| 35 | 0.88 | 50 | 2.72 |
| 36 | 0.92 | 51 | 3.06 |
| 37 | 0.98 | 52 | 3.48 |
| 38 | 1.04 | 53 | 4.04 |
| 39 | 1.10 | 54 | 4.76 |
| 40 | 1.18 | 55 | 5.80 |
| | | 56-60 | $396.90 \div n$ |

NOTE. n denotes the number of complete four-weekly contributions payable before attainment of age 60.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE VII—*continued.*

TABLE B.

WOMEN.

Employee Contributions for Four Weeks.
(Contributors at 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| | \$ | \$ | | \$ | \$ |
| 26 | 0.72 | 0.52 | 41 | 2.02 | 1.24 |
| 27 | 0.76 | 0.54 | 42 | 2.22 | 1.34 |
| 28 | 0.80 | 0.58 | 43 | 2.44 | 1.44 |
| 29 | 0.86 | 0.60 | 44 | 2.72 | 1.56 |
| 30 | 0.92 | 0.64 | 45 | 3.04 | 1.68 |
| 31 | 0.98 | 0.68 | 46 | 3.42 | 1.84 |
| 32 | 1.04 | 0.70 | 47 | 3.92 | 2.00 |
| 33 | 1.12 | 0.76 | 48 | 4.54 | 2.20 |
| 34 | 1.20 | 0.80 | 49 | 5.38 | 2.44 |
| 35 | 1.28 | 0.84 | 50 | 6.54 | 2.72 |
| 36 | 1.38 | 0.90 | 51 | $450.90 \div n$ | 3.08 |
| 37 | 1.48 | 0.96 | 52 | $450.90 \div n$ | 3.50 |
| 38 | 1.58 | 1.02 | 53 | $450.90 \div n$ | 4.06 |
| 39 | 1.72 | 1.08 | 54 | $450.90 \div n$ | 4.80 |
| 40 | 1.86 | 1.16 | 55 | $450.90 \div n$ | 5.84 |
| | | | 56-60 | .. | $395.54 \div n$ |

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

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*

Sec. 10AK.

SCHEDULE VIII.

TABLE A.

MEN.

Employer Contributions for Four Weeks.
(Contributors at 30th June, 1963.)

| Age Next Birthday. | For Each Additional Unit. | Age Next Birthday. | For Each Additional Unit. |
|-----------------------|------------------------------|-----------------------|------------------------------|
| | \$ | | \$ |
| 26 | 0.50 | 41 | 1.16 |
| 27 | 0.54 | 42 | 1.26 |
| 28 | 0.56 | 43 | 1.34 |
| 29 | 0.60 | 44 | 1.44 |
| 30 | 0.62 | 45 | 1.56 |
| 31 | 0.66 | 46 | 1.70 |
| 32 | 0.68 | 47 | 1.86 |
| 33 | 0.72 | 48 | 2.04 |
| 34 | 0.78 | 49 | 2.26 |
| 35 | 0.82 | 50 | 2.52 |
| 36 | 0.86 | 51 | 2.84 |
| 37 | 0.90 | 52 | 3.22 |
| 38 | 0.96 | 53 | 3.74 |
| 39 | 1.02 | 54 | 4.42 |
| 40 | 1.10 | 55 | 5.38 |
| | | 56-60 | $367.50 \div n$ |

NOTE. n denotes the number of complete four-weekly contributions payable before attainment of age 60.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE VIII—*continued.*

TABLE B.

WOMEN.

Employer Contributions for Four Weeks.
(Contributors at 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| | \$ | \$ | | \$ | \$ |
| 26 | 0.66 | 0.48 | 41 | 1.88 | 1.14 |
| 27 | 0.70 | 0.50 | 42 | 2.06 | 1.24 |
| 28 | 0.76 | 0.54 | 43 | 2.26 | 1.34 |
| 29 | 0.80 | 0.56 | 44 | 2.52 | 1.44 |
| 30 | 0.86 | 0.60 | 45 | 2.82 | 1.56 |
| 31 | 0.90 | 0.62 | 46 | 3.16 | 1.70 |
| 32 | 0.96 | 0.66 | 47 | 3.62 | 1.86 |
| 33 | 1.04 | 0.70 | 48 | 4.20 | 2.04 |
| 34 | 1.10 | 0.74 | 49 | 4.98 | 2.26 |
| 35 | 1.18 | 0.78 | 50 | 6.06 | 2.52 |
| 36 | 1.28 | 0.84 | 51 | $417.50 \div n$ | 2.84 |
| 37 | 1.36 | 0.88 | 52 | $417.50 \div n$ | 3.26 |
| 38 | 1.46 | 0.94 | 53 | $417.50 \div n$ | 3.76 |
| 39 | 1.58 | 1.00 | 54 | $417.50 \div n$ | 4.44 |
| 40 | 1.72 | 1.08 | 55 | $417.50 \div n$ | 5.40 |
| | | | 56 to 60 | .. | $366.26 \div n$ |

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

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*

Sec. 10AD.

SCHEDULE IX.

TABLE A.

MEN.

Employee Contributions for Four Weeks.
(Contributors after 30th June, 1963.)

| Age Next Birthday. | For First 2 Units. | For Each Additional Unit. | Age Next Birthday. | For First 2 Units. | For Each Additional Unit. |
|-----------------------|-----------------------|---------------------------------|-----------------------|-----------------------|---------------------------------|
| | \$ | \$ | | \$ | \$ |
| 16 | 0.86 | 0.42 | 36 | 2.46 | 1.16 |
| 17 | 0.94 | 0.44 | 37 | 2.62 | 1.24 |
| 18 | 0.98 | 0.46 | 38 | 2.74 | 1.30 |
| 19 | 1.04 | 0.48 | 39 | 2.92 | 1.40 |
| 20 | 1.10 | 0.52 | 40 | 3.12 | 1.50 |
| 21 | 1.16 | 0.54 | 41 | 3.32 | 1.60 |
| 22 | 1.22 | 0.56 | 42 | 3.54 | 1.70 |
| 23 | 1.28 | 0.60 | 43 | 3.80 | 1.84 |
| 24 | 1.32 | 0.62 | 44 | 4.08 | 1.98 |
| 25 | 1.40 | 0.66 | 45 | 4.38 | 2.12 |
| 26 | 1.44 | 0.68 | 46 | 4.76 | 2.32 |
| 27 | 1.54 | 0.72 | 47 | 5.18 | 2.52 |
| 28 | 1.62 | 0.76 | 48 | 5.68 | 2.76 |
| 29 | 1.70 | 0.80 | 49 | 6.28 | 3.06 |
| 30 | 1.80 | 0.86 | 50 | 6.96 | 3.40 |
| 31 | 1.90 | 0.90 | 51 | 7.84 | 3.84 |
| 32 | 2.02 | 0.94 | 52 | 8.94 | 4.38 |
| 33 | 2.12 | 1.00 | 53 | 10.32 | 5.06 |
| 34 | 2.24 | 1.06 | 54 | 12.16 | 5.98 |
| 35 | 2.34 | 1.10 | 55 | 14.74 | 7.26 |
| | | | 56-60 | $999.36 \div n$ | $493.28 \div n$ |

NOTE. n denotes the number of complete four-weekly contributions payable before attainment of age 60.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE IX—*continued.*

TABLE B.

WOMEN.

Employee Contributions for Four Weeks.
(Contributors after 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| | \$ | \$ | | \$ | \$ |
| 16 | 0.46 | 0.34 | 36 | 1.62 | 1.06 |
| 17 | 0.48 | 0.36 | 37 | 1.74 | 1.14 |
| 18 | 0.52 | 0.38 | 38 | 1.88 | 1.20 |
| 19 | 0.54 | 0.40 | 39 | 2.02 | 1.28 |
| 20 | 0.58 | 0.42 | 40 | 2.20 | 1.38 |
| 21 | 0.62 | 0.46 | 41 | 2.40 | 1.46 |
| 22 | 0.66 | 0.48 | 42 | 2.62 | 1.58 |
| 23 | 0.70 | 0.50 | 43 | 2.90 | 1.70 |
| 24 | 0.76 | 0.54 | 44 | 3.22 | 1.84 |
| 25 | 0.82 | 0.58 | 45 | 3.60 | 2.00 |
| 26 | 0.86 | 0.62 | 46 | 4.06 | 2.18 |
| 27 | 0.90 | 0.64 | 47 | 4.64 | 2.38 |
| 28 | 0.96 | 0.68 | 48 | 5.38 | 2.62 |
| 29 | 1.02 | 0.72 | 49 | 6.38 | 2.90 |
| 30 | 1.10 | 0.76 | 50 | 7.76 | 3.22 |
| 31 | 1.16 | 0.80 | 51 | $534.40 \div n$ | 3.64 |
| 32 | 1.24 | 0.84 | 52 | $534.40 \div n$ | 4.16 |
| 33 | 1.32 | 0.90 | 53 | $534.40 \div n$ | 4.82 |
| 34 | 1.42 | 0.94 | 54 | $534.40 \div n$ | 5.70 |
| 35 | 1.50 | 1.00 | 55 | $534.40 \div n$ | 6.92 |
| | | | 56-60 | .. | $468.80 \div n$ |

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

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*

Sec. 10AK.

SCHEDULE X.

TABLE A.

MEN.

Employer Contributions for Four Weeks.
(Contributors after 30th June, 1963.)

| Age Next Birthday. | For First 2 Units. | For Each Additional Unit. | Age Next Birthday. | For First 2 Units. | For Each Additional Unit. |
|-----------------------|-----------------------|---------------------------------|-----------------------|-----------------------|---------------------------------|
| | \$ | \$ | | \$ | \$ |
| 16 | 0.54 | 0.26 | 36 | 1.54 | 0.72 |
| 17 | 0.58 | 0.28 | 37 | 1.62 | 0.78 |
| 18 | 0.62 | 0.28 | 38 | 1.72 | 0.82 |
| 19 | 0.66 | 0.30 | 39 | 1.82 | 0.88 |
| 20 | 0.68 | 0.32 | 40 | 1.96 | 0.94 |
| 21 | 0.72 | 0.34 | 41 | 2.06 | 1.00 |
| 22 | 0.76 | 0.36 | 42 | 2.22 | 1.06 |
| 23 | 0.80 | 0.38 | 43 | 2.36 | 1.14 |
| 24 | 0.84 | 0.40 | 44 | 2.56 | 1.24 |
| 25 | 0.86 | 0.40 | 45 | 2.74 | 1.32 |
| 26 | 0.90 | 0.42 | 46 | 2.96 | 1.44 |
| 27 | 0.96 | 0.46 | 47 | 3.24 | 1.58 |
| 28 | 1.02 | 0.48 | 48 | 3.56 | 1.72 |
| 29 | 1.06 | 0.50 | 49 | 3.92 | 1.92 |
| 30 | 1.12 | 0.54 | 50 | 4.36 | 2.12 |
| 31 | 1.20 | 0.56 | 51 | 4.90 | 2.40 |
| 32 | 1.26 | 0.58 | 52 | 5.58 | 2.74 |
| 33 | 1.32 | 0.62 | 53 | 6.46 | 3.16 |
| 34 | 1.40 | 0.66 | 54 | 7.60 | 3.74 |
| 35 | 1.48 | 0.70 | 55 | 9.22 | 4.54 |
| | | | 56-60 | $624.60 \div n$ | $308.30 \div n$ |

NOTE. n denotes the number of complete four-weekly contributions payable before attainment of age 60.

SCHEDULE

*Superannuation (Amendment).*SCHEDULE 6—*continued.*AMENDMENT TO THE PRINCIPAL ACT, RELATING TO THE
TABLES OF CONTRIBUTIONS—*continued.*SCHEDULE X—*continued.*

TABLE B.

WOMEN.

Employer Contributions for Four Weeks.
(Contributors after 30th June, 1963.)

| Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. | Age Next Birthday. | Retirement at age 55. For Each Unit. | Retirement at age 60. For Each Unit. |
|-----------------------|---|---|-----------------------|---|---|
| | \$ | \$ | | \$ | \$ |
| 16 | 0.28 | 0.20 | 36 | 1.02 | 0.66 |
| 17 | 0.30 | 0.22 | 37 | 1.10 | 0.70 |
| 18 | 0.32 | 0.24 | 38 | 1.18 | 0.76 |
| 19 | 0.34 | 0.26 | 39 | 1.26 | 0.80 |
| 20 | 0.36 | 0.26 | 40 | 1.38 | 0.86 |
| 21 | 0.40 | 0.28 | 41 | 1.50 | 0.92 |
| 22 | 0.42 | 0.30 | 42 | 1.64 | 1.00 |
| 23 | 0.44 | 0.32 | 43 | 1.80 | 1.06 |
| 24 | 0.48 | 0.34 | 44 | 2.00 | 1.16 |
| 25 | 0.50 | 0.36 | 45 | 2.26 | 1.26 |
| 26 | 0.54 | 0.38 | 46 | 2.54 | 1.36 |
| 27 | 0.56 | 0.40 | 47 | 2.90 | 1.48 |
| 28 | 0.60 | 0.42 | 48 | 3.36 | 1.64 |
| 29 | 0.64 | 0.46 | 49 | 3.98 | 1.80 |
| 30 | 0.68 | 0.48 | 50 | 4.86 | 2.02 |
| 31 | 0.72 | 0.50 | 51 | $334.00 \div n$ | 2.28 |
| 32 | 0.78 | 0.52 | 52 | $334.00 \div n$ | 2.60 |
| 33 | 0.82 | 0.56 | 53 | $334.00 \div n$ | 3.00 |
| 34 | 0.88 | 0.60 | 54 | $334.00 \div n$ | 3.56 |
| 35 | 0.94 | 0.62 | 55 | $334.00 \div n$ | 4.32 |
| | | | 56-60 | .. | $293.00 \div n$ |

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

SCHEDULE

Superannuation (Amendment).

Sec. 5.

SCHEDULE 7.

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS.

(1) Section 10AD (3)—

Omit the subsection.

(2) Section 10AD (6)—

After section 10AD (5), insert :—

(6) The substitution of Schedules VII and IX by the Superannuation (Amendment) Act, 1977, does not affect the rate of contribution on or after 13th January, 1978, for any unit of pension where contributions for the unit have been paid, or are payable, in accordance with this Act in respect of any period before that date.

(3) Section 10AK (5)—

After section 10AK (4), insert :—

(5) The substitution of Schedules VIII and X by the Superannuation (Amendment) Act, 1977, does not affect the rate of contribution on or after 13th January, 1978, for any unit of pension where contributions for the unit have been paid, or are payable, in accordance with this Act in respect of any period before that date.

(4) Section 37—

Omit the section, insert instead :—

37. (1) In the case of the retrenchment of an employee who was a contributor at 30th June, 1963, he shall, if he elects under section 38B to take the

SCHEDULE

Choice of
retrench-
ment
benefits.

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

benefit of this section instead of section 38A, be entitled to choose at the time of making that election either—

(a) a lump sum payment equal to three and one-half times the sum of—

(i) the contributions paid by him under this Act (but without interest) before 13th January, 1952; and

(ii) ten-elevenths of the contributions paid by him under this Act (but without interest) on or after 13th January, 1952,

in determination of all rights given by this Act (subsection (4) excepted); or

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

(2) In the case of the retrenchment of an employee who became or becomes a contributor on or after 1st July, 1963, he shall, if he elects under section 38B to take the benefit of this section instead of section 38A, be entitled to choose at the time of making that election either—

(a) a lump sum payment equal to two and one-half times the contributions paid by him under this Act (but without interest), in determination of all rights given by this Act (subsection (4) excepted); or

SCHEDULE

Superannuation (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

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

(3) In default of an employee's choice under subsection (1) or (2), the Board shall determine the matter.

(4) An employee entitled to—

(a) a lump sum payment under subsection (1)
(a) is also entitled to a lump sum payment equal to two and one-half times an amount equal to ten-elevenths of the contributions; or

(b) a lump sum payment under subsection (2)
(a) is also entitled to a lump sum payment equal to one and one-half times an amount equal to the contributions,

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

(5) Where an employee who has been retrenched and is in receipt of a pension thereafter enters the service of an employer—

(a) the pension shall not cease to be payable;

SCHEDULE

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

- (b) the employee shall contribute as provided in Part III; and
- (c) the employee shall not be entitled to count his service prior to retrenchment as service for the purpose of any other pension or benefit under this Act.

(6) Where an employee who has been retrenched and has received a lump sum under this section, as in force at any time, thereafter enters the service of an employer, he is not entitled to claim any further benefit in respect of his previous service unless he complies with section 38c.

(7) Where an employee who was a contributor at 30th June, 1963, and who has been retrenched, is entitled to the lump sum payment under subsection (1) (a) or elects under section 38B to take the benefit of section 38A instead of this section, the employer from whose service the employee has been retrenched shall pay to the Fund on requisition by the Board a lump sum equal to the difference between—

- (a) one and one-half times the sum of—
 - (i) the contributions paid by the employee under this Act before 13th January, 1952; and
 - (ii) ten-elevenths of the contributions paid by the employee under this Act on or after 13th January, 1952; and

SCHEDULE

Superannuation (Amendment).

*SCHEDULE 7—continued.**AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—continued.*

(b) one-eleventh of the contributions paid by the employee under this Act on or after that date.

(8) Where an employee who became or becomes a contributor on or after 1st July, 1963, and who has been retrenched, is entitled to the lump sum payment under subsection (2) (a) or elects under section 38B to take the benefit of section 38A instead of this section, the employer from whose service the employee has been retrenched shall pay to the Fund on requisition by the Board a lump sum equal to seven-eighths of the amount of contributions paid by the employee under this Act.

(9) Where a lump sum is payable to an employee under subsection (4), the employer from whose service the employee has been retrenched shall pay to the Fund on requisition by the Board a lump sum equal to the firstmentioned lump sum.

(10) For the purposes of this section, contributions paid to the Fund under section 3 of the Superannuation (Amendment) Act, 1951, as in force at any time, shall be deemed to have been paid to the Fund under this Act.

(5) Section 38A (3)—

Omit “subsection (5) or (5A) of section 37”, insert instead “section 37 (7) or (8)”.

SCHEDULE

Superannuation (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT, CONSEQUENT ON
THE VARIATION OF THE TABLES OF CONTRIBUTIONS
—*continued.*

(6) Section 47C (6)—

Omit “37 (2A)”, insert instead “37 (4)”.

SCHEDULE 8.

Sec. 6.

AMENDMENTS TO THE SUPERANNUATION (AMENDMENT)
ACT, 1951, RELATING TO THE RATES OF CONTRIBUTIONS.

(1) Section 3—

Omit the section.

(2) (a) Section 4 (2) (a)—

Omit “contributions made to the fund by the pensioner or deceased pensioner or contributor pursuant to section three of this Act”, insert instead “one-eleventh of the total contributions paid to the fund on or after 13th January, 1952, by the pensioner or deceased pensioner or contributor”.

(b) Section 4 (4)—

Omit the subsection.

SCHEDULE

Superannuation (Amendment).

Sec. 7.

SCHEDULE 9.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Where a pension was payable immediately before the commencement of Schedule 4 by virtue of the provisions of section 30 (5) or (6) or section 31 (4) or (5) of the Principal Act, the entitlement of any person to the pension continues notwithstanding the omission of those provisions by section 5 and Schedule 4.

2. The Principal Act, as amended by this Act, applies to and in respect of a pension referred to in clause 1 as if it were a pension under section 30 or 31, as the case may require, thereof.

3. The entitlement of any person to a pension under the Principal Act continues notwithstanding the omission of any section of that Act by section 5 and Schedule 5

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1977.*