

## **GOVERNMENT RAILWAYS (SUPERANNUATION) AMENDMENT BILL, 1979**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are—

- (a) to amend the Government Railways Act, 1912 (“the Act”), with respect to the pensions payable under Part IX to widows of deceased railway workers or deceased former railway workers, so as—
    - (i) to provide that a widow who has attained the age of 70 years is not disqualified from a pension under the Act because, though entitled to a Commonwealth pension, she is not entitled to a full Commonwealth pension (Schedule 1 (1), (3) and (5));
    - (ii) to provide that references in the Act to deductions in Commonwealth pensions by reference to “means as assessed” are altered to reductions by reference to income or property or both, consequent on changes made to Commonwealth law (clause 5 and Schedule 1 (1) and (4) (a)); and
    - (iii) to index, by reference to the Consumer Price Index, the amounts shown in the Fourth Schedule to the Act, being amounts by reference to which the emerging pensions of widows are calculated—with effect from the time when the automatic indexation of pensions commenced (clause 2 (4) and Schedule 2); and
  - (b) to enact other provisions of a minor, consequential or ancillary nature.
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GOVERNMENT RAILWAYS (SUPERANNUATION)  
AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to the Bill as introduced into Parliament)

The objects of this Bill are—

(a) to amend the Government Railways Act 1912 ("the Act") with respect to the pension payable under Part IX to widows of deceased railway employees or deceased persons in railway service; and

(b) to provide that a widow who has attained the age of 70 years is not precluded from a pension under the Act because though entitled to a Government's pension she is not entitled to a full Government's pension (Schedule 1 (1), (2) and (3));

(c) to provide that references in the Act to deductions in Commonwealth law or by reference to income or assets are altered to references to income or assets of the Commonwealth law referred to in Schedule 1 (4) and (5); and

(d) to amend the references in the Government Railways Act to the amounts shown in the Fourth Schedule to the Act being amounts by reference to which the earnings pension of widows are calculated—with effect from the date when the automatic inflation of pensions commenced (Schedule 2 (4) and Schedule 2); and

(e) to enact other provisions of a minor, consequential or ancillary nature.

Act No. 1979  
**GOVERNMENT RAILWAYS (SUPERANNUATION)  
AMENDMENT BILL, 1979**

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

1. This Act may be cited as the Government Railways (Superannuation) Amendment Act 1979.  
2. (1) Except as provided in subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act.

No. , 1979.



**A BILL FOR**

An Act to amend the Government Railways Act, 1912, with respect to pensions payable to certain widows.

[MR HILLS—25 October, 1979.]



*Government Railways (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 :—

5 1. This Act may be cited as the "Government Railways Short title.  
(Superannuation) Amendment Act, 1979".

2. (1) Except as provided in subsections (2), (3) and (4), Commence-  
this Act shall commence on the date of assent to this Act. ment.

(2) Section 4 shall, in its application to a provision of  
10 Schedule 1 or 2, be deemed to have commenced on the day on  
which the provision is deemed to have commenced.

(3) Schedule 1 shall be deemed to have commenced on  
1st November, 1977.

(4) Schedule 2 shall be deemed to have commenced on  
15 22nd September, 1976.

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

SCHEDULE 1.—AMENDMENTS TO THE GOVERNMENT  
RAILWAYS ACT, 1912.

20 SCHEDULE 2.—FURTHER AMENDMENT TO THE  
GOVERNMENT RAILWAYS ACT, 1912.

4. The Government Railways Act, 1912, is amended in the Amend-  
manner set forth in Schedules 1 and 2. ment of  
Act No. 30,  
1912.

*Government Railways (Superannuation) Amendment.*

5. The reference in section 121A (3) (a) of the Government Railways Act, 1912, as in force between 25th November, 1976, and 31st October, 1977, both dates inclusive, to any deduction on account of means as assessed within the meaning of the law of the Commonwealth pursuant to which a pension is paid shall be deemed to have been a reference to any reduction in that pension on account of income or property or both pursuant to that law.
- Construction of a certain reference to "means as assessed".

## SCHEDULE 1.

Sec. 4.

## AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

## 10 (1) Section 121A (3) (a)—

Omit the paragraph, insert instead :—

(a) is—

- 15 (i) in the case of a widow who has not attained the age of 70 years—in receipt of, or eligible to receive, a class of Commonwealth pension that is the maximum amount of that class of Commonwealth pension that may be paid to her, without any reduction on account of income or property or both
- 20 pursuant to the law of the Commonwealth under which the Commonwealth pension is paid; or
- 25 (ii) in the case of a widow who has attained the age of 70 years—in receipt of, or eligible to receive, a Commonwealth pension; and

## (2) (a) Section 121A (7)—

After "shall", insert " , in the case of a widow who has not attained the age of 70 years,".

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*Government Railways (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE GOVERNMENT RAILWAYS  
ACT, 1912—*continued.*

## (b) Section 121A (7) (a)—

- 5 Omit “paragraph (a) of subsection (3)”, insert  
instead “subsection (3) (a) (i)”.

## (3) Section 121A (7A)—

After section 121A (7), insert :—

- 10 (7A) The amount of a prescribed pension shall, in the  
case of a widow who has attained the age of 70 years, be  
the amount of the maximum pension rate per annum shown  
in the second column of the Fourth Schedule opposite the  
15 period of service shown in the first column of that Schedule  
which is appropriate for the period of service of the widow’s  
deceased husband.

## (4) (a) Section 121A (8)—

Omit “change in her means”, insert instead “relevant  
income or property or both”.

## (b) Section 121A (8)—

- 20 Omit “paragraph (a) of subsection (3)”, insert  
instead “subsection (3) (a) (i)”.

## (5) Section 121A (9) (a)—

Omit the paragraph, insert instead :—

- (a) ceases to be entitled to a Commonwealth pension;

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*Government Railways (Superannuation) Amendment.*

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SCHEDULE 2.

Sec. 4.

FURTHER AMENDMENT TO THE GOVERNMENT RAILWAYS  
ACT, 1912.

Section 121B—

5       After section 121A, insert :—

10       121B. (1) Where there is an adjustment percentage for a review year, the amounts shown in the second column of the Fourth Schedule shall be deemed to be adjusted, on and from the adjustment date for that year, by that percentage. Indexation  
of amounts  
shown in  
Fourth  
Schedule.

(2) The amounts referred to in subsection (1) shall not be reduced, by the operation of that subsection, below those respectively set out in the Fourth Schedule as originally enacted.

15       (3) Where the amounts referred to in subsection (1) are deemed to be adjusted by the operation of that subsection, the amounts as so adjusted shall, for the purposes of this Part, be deemed to be shown in the second column of the Fourth Schedule instead of those previously shown or deemed to be shown.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

[16c]

Government Railways (Reorganisation) Amendment.

SCHEDULE 2.

FURTHER AMENDMENT TO THE GOVERNMENT RAILWAYS  
Act, 1912.

Sec. 4.

Section 121B—

After section 121B insert—

121B. (1) Where the amount payable for  
a railway-gauge that is shown in the second column  
of the Fourth Schedule shall be deemed to be adjusted, on  
and from the adjustment made for that year, by the  
percentage—

(2) The amount payable in subsection (1)  
shall not be reduced by the operation of that subsection,  
unless those percentages are in the Fourth Schedule as  
originally enacted.

(3) Where the amount payable in subsection  
(1) is not reduced by the operation of that  
subsection, the amount payable shall, for the purposes  
of this Act, be deemed to be shown in the second  
column of the Fourth Schedule instead of those percentages  
shown or deemed to be shown.



**GOVERNMENT RAILWAYS (SUPERANNUATION)  
AMENDMENT ACT, 1979, No. 198**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 198, 1979.**

An Act to amend the Government Railways Act, 1912, with respect to pensions payable to certain widows. [Assented to, 21st December, 1979.]

*Government Railways (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 "Government Railways (Superannuation) Amendment Act, 1979".

Commence-  
ment.

**2.** (1) Except as provided in subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1 or 2, be deemed to have commenced on the day on which the provision is deemed to have commenced.

(3) Schedule 1 shall be deemed to have commenced on 1st November, 1977.

(4) Schedule 2 shall be deemed to have commenced on 22nd September, 1976.

Schedules.

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

**SCHEDULE 1.—AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.**

**SCHEDULE 2.—FURTHER AMENDMENT TO THE GOVERNMENT RAILWAYS ACT, 1912.**

Amend-  
ment of  
Act No. 30,  
1912.

**4.** The Government Railways Act, 1912, is amended in the manner set forth in Schedules 1 and 2.

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*Government Railways (Superannuation) Amendment.*

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5. The reference in section 121A (3) (a) of the Government Railways Act, 1912, as in force between 25th November, 1976, and 31st October, 1977, both dates inclusive, to any deduction on account of means as assessed within the meaning of the law of the Commonwealth pursuant to which a pension is paid shall be deemed to have been a reference to any reduction in that pension on account of income or property or both pursuant to that law.

Construction of a certain reference to "means as assessed".

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SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE GOVERNMENT RAILWAYS ACT, 1912.

(1) Section 121A (3) (a)—

Omit the paragraph, insert instead :—

(a) is—

- (i) in the case of a widow who has not attained the age of 70 years—in receipt of, or eligible to receive, a class of Commonwealth pension that is the maximum amount of that class of Commonwealth pension that may be paid to her, without any reduction on account of income or property or both pursuant to the law of the Commonwealth under which the Commonwealth pension is paid; or
- (ii) in the case of a widow who has attained the age of 70 years—in receipt of, or eligible to receive, a Commonwealth pension; and

(2) (a) Section 121A (7)—

After "shall", insert " , in the case of a widow who has not attained the age of 70 years,".

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*Government Railways (Superannuation) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE GOVERNMENT RAILWAYS  
ACT, 1912—*continued.*

## (b) Section 121A (7) (a)—

Omit “paragraph (a) of subsection (3)”, insert instead “subsection (3) (a) (i)”.

## (3) Section 121A (7A)—

After section 121A (7), insert :—

(7A) The amount of a prescribed pension shall, in the case of a widow who has attained the age of 70 years, be the amount of the maximum pension rate per annum shown in the second column of the Fourth Schedule opposite the period of service shown in the first column of that Schedule which is appropriate for the period of service of the widow's deceased husband.

## (4) (a) Section 121A (8)—

Omit “change in her means”, insert instead “relevant income or property or both”.

## (b) Section 121A (8)—

Omit “paragraph (a) of subsection (3)”, insert instead “subsection (3) (a) (i)”.

## (5) Section 121A (9) (a)—

Omit the paragraph, insert instead :—

(a) ceases to be entitled to a Commonwealth pension;

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*Government Railways (Superannuation) Amendment.*

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SCHEDULE 2.

Sec. 4.

FURTHER AMENDMENT TO THE GOVERNMENT RAILWAYS  
ACT, 1912.

Section 121B—

After section 121A, insert :—

121B. (1) Where there is an adjustment percentage for a review year, the amounts shown in the second column of the Fourth Schedule shall be deemed to be adjusted, on and from the adjustment date for that year, by that percentage. Indexation of amounts shown in Fourth Schedule.

(2) The amounts referred to in subsection (1) shall not be reduced, by the operation of that subsection, below those respectively set out in the Fourth Schedule as originally enacted.

(3) Where the amounts referred to in subsection (1) are deemed to be adjusted by the operation of that subsection, the amounts as so adjusted shall, for the purposes of this Part, be deemed to be shown in the second column of the Fourth Schedule instead of those previously shown or deemed to be shown.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 21st December, 1979.*





