



ANNO DUODECIMO

## GEORGII VI REGIS.

A.D. 1948.

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## No. 12 of 1948.

An Act to amend the Superannuation Act, 1926-1946.

[Assented to 9th September, 1948.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

**1.** (1) This Act may be cited as the "Superannuation Act Amendment Act, 1948".

(2) The Superannuation Act, 1926-1946, as amended by this Act, may be cited as the "Superannuation Act, 1926-1948".

(3) The Superannuation Act, 1926-1946, is hereinafter called "the principal Act".

Incorporation.

**2.** This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Commencement of new rates of pension.

**3.** The increased rates of pension prescribed by this Act shall apply to all payments of pension made after the thirtieth day of November, nineteen hundred and forty-eight.

Amendment of s. 23 of principal Act—

**4.** Section 23 of the principal Act is amended by inserting therein after subsection (1) the following subsections :—

Commencement of contributions.

(1a) Contributions for units for which a contributor contributes by reason of an increase of salary shall be payable as from the first day of the month after the month in which payment of salary at the increased rate is first made.

(1b) Contributions for units in excess of twelve for which a contributor elects or is deemed to have elected

to contribute not later than two months after the passing of the Superannuation Act Amendment Act, 1948, shall be payable as from the first day of the third month after the month in which the said Act is passed.

(1c) Contributions for any other units than those previously mentioned in this section shall be payable as from the first day of the month following the month in which the contributor elects to take those units.

5. Sections 24, 24a and 24b of the principal Act are repealed and the following sections are enacted in lieu thereof:—

Repeal of  
ss. 24, 24a,  
24b, of  
principal  
Act and  
enactment of  
other provi-  
sions—

24. (1) Subject to this section, the units of pension appropriate to the salary of an employee shall be in accordance with the following scale:—

Scale of  
units of  
pension.

Column One.	Column Two.	Column Three.
Salary of Employee.	Appropriate Number of Units of Pension.	Amount of Pension.
		£ s. d.
Not exceeding £130 . . . .	2	65 0 0
Exceeding £130 and not exceeding £156 . . . . .	2½	81 5 0
Exceeding £156 and not exceeding £182 . . . . .	3	97 10 0
Exceeding £182 and not exceeding £208 . . . . .	3½	113 15 0
Exceeding £208 and not exceeding £260 . . . . .	4	130 0 0
Exceeding £260 and not exceeding £312 . . . . .	5	162 10 0
Exceeding £312 and not exceeding £364 . . . . .	6	195 0 0
Exceeding £364 and not exceeding £416 . . . . .	7	227 10 0
Exceeding £416 and not exceeding £468 . . . . .	8	260 0 0
Exceeding £468 and not exceeding £520 . . . . .	9	292 10 0
Exceeding £520 and not exceeding £572 . . . . .	10	325 0 0

Column One.	Column Two.	Column Three.
Salary of Employee.	Appropriate Number of Units of Pension.	Amount of Pension.
		£ s. d.
Exceeding £572 and not exceeding £624 . . . . .	11	357 10 0
Exceeding £624 and not exceeding £676 . . . . .	12	390 0 0
Exceeding £676 and not exceeding £728 . . . . .	13	422 10 0
Exceeding £728 and not exceeding £780 . . . . .	14	455 0 0
Exceeding £780 and not exceeding £832 . . . . .	15	487 10 0
Exceeding £832 and not exceeding £884 . . . . .	16	520 0 0
Exceeding £884 and not exceeding £936 . . . . .	17	552 10 0
Exceeding £936 and not exceeding £988 . . . . .	18	585 0 0
Exceeding £988 and not exceeding £1,040 . . . . .	19	617 10 0
Exceeding £1,040 . . . . .	20	650 0 0

(2) An employee whose salary does not exceed two hundred and sixty pounds a year may within three months after he becomes an employee elect to contribute for units or half units in addition to those prescribed in subsection (1) of this section to make up a total number of two and a half, three, three and a half, four or five units.

24a. (1) Every person who is a contributor to the fund on the day of the passing of the Superannuation Act Amendment Act, 1948—

(a) shall, subject to this Act, continue to contribute for the units for which he is contributing on that day :

(b) if the rate of his salary on that day exceeds six hundred and seventy-six pounds, may elect within two months after that day to contribute for all, some or none of the units appropriate to his salary. in excess of twelve.

Contributions  
by employees  
who are  
contributing  
at passing  
of Act.

(2) Where a contributor—

- (a) was at the time of the passing of the Superannuation Act Amendment Act, 1948, contributing for twelve units ; and
- (b) was at that time fifty years of age or more ; and
- (c) has elected under this section to contribute for units in excess of twelve,

then the rate of contribution for half of the units to which the election applies shall be the rate which would be payable for those units pursuant to this Act if the age of the contributor at the time when he commenced to contribute for those units was—

- (i.) forty-nine ; or
- (ii.) his age when he first received salary at a rate exceeding six hundred and seventy-six pounds a year,

whichever is greater.

24b. (1) A male person—

- (a) who is appointed after the passing of the Superannuation Act Amendment Act, 1948, as an officer of the public service under the Public Service Act, 1936-1947, or as a teacher under the Education Act, 1915-1948, or as a salaried railways officer under the South Australian Railways Commissioner's Act, 1936-1941 ; and
- (b) who at the time of his appointment is under forty years of age,

Contributions  
by future  
contributors.

shall contribute for four units, or if the number of units appropriate to his salary is less than four units, for the number of units appropriate to his salary, and may within two months after his appointment elect to contribute for all, some or none of the units appropriate to his salary at the time of appointment, in excess of four.

(2) A person becoming an employee, other than an employee described in paragraphs (a) and (b) of subsection (1) of this section, after the passing of the Superannuation Act Amendment Act, 1948, may within two months after he becomes an employee elect to contribute for all, some, or none of the units appropriate to his salary at the time when he became an employee.

(3) Subsection (1) of this section shall apply to any person who, being under forty years of age is appointed

as an officer of the Public Service, a teacher or a salaried railways officer within the meaning of subsection (1) of this section and who immediately before that appointment was employed by the Government in any other capacity and was then contributing for less than the number of units appropriate to his salary or for no units.

Election on  
increase of  
salary.

24ba. (1) Where the salary of a male contributor—

(a) who is an officer of the Public Service appointed under the Public Service Act, 1936-1947, or a teacher appointed under the Education Act, 1915-1948, or a salaried railways officer appointed under the South Australian Railways Commissioner's Act, and

(b) who at the time of the increase of his salary is under forty years of age—

is increased so as to fall within a higher salary group, as prescribed in section 24 of this Act, the following provisions shall apply :—

(i.) If the contributor was immediately before the increase of salary contributing for less than four units, and the total number of units appropriate to his increased salary does not exceed four, he shall contribute for the number of units appropriate to his increased salary :

(ii.) If the contributor was immediately before the increase of salary, contributing for less than four units and the total number of units appropriate to his increased salary exceeds four, he shall contribute for four units, and may elect to contribute for all, some or none of the units appropriate to his increased salary, in excess of four :

(iii.) If the contributor was immediately before the increase contributing for four units or more, he may elect to contribute for all, some or none of the additional units appropriate to his increased salary.

(2) Where the salary of a contributor other than a contributor described in paragraphs (a) and (b) of subsection (1) of this section is increased so as to fall within a higher salary group as prescribed in section 24 of this Act, the contributor may elect to contribute for all, some or none of the units appropriate to his increased salary.

(3) An election under this section shall be made within two months after the day on which the salary at the increased rate is first paid.

24bb. (1) Every election shall be made by a written document delivered to the board.

Mode of election and effect of not making election.

(2) If an employee having the right to make an election does not make it within the prescribed period, he shall be deemed to have elected on the last day of the prescribed period to contribute for all the units for which he could have elected to contribute by that election.

24bc. Where the board is satisfied that a person has through inadvertence failed to make an election within the prescribed period, it may in its discretion accept an election made not more than three months after the end of the prescribed period.

Extension of time for making elections.

24bd. (1) Subject to section 24bc, where a contributor—

Effect of election not to take units, or failure to elect.

- (a) at any time before the enactment of this section has had the right to contribute for any units and has not elected to contribute for them, or has elected not to contribute for them; or
- (b) after the enactment of this section has had the right to contribute for any units and has elected not to contribute for them; or
- (c) has been exempted by the board from the obligation to contribute for any units,

the number of units appropriate to his salary shall at all times be reduced by the number of the units for which he has not elected to contribute, or has elected not to contribute, or in respect of which he has been exempted from the obligation to contribute.

(2) Subject to subsection (3) of section 24b, and to section 24be, where an employee at any time before or after the enactment of this section has elected within the prescribed time after his appointment to contribute for no units, he shall not thereafter be entitled to become a contributor.

24be. Where an employee under twenty-one years of age is for any reason contributing for a number of units less than the units appropriate to his salary, or for no

Right of minors to re-open elections.

units, he may at any time not later than two months after attaining the age of twenty-one elect to contribute for any units, but so that the total number of units contributed for does not exceed the number appropriate to his salary at the time of making the last-mentioned election.

Consequential  
repeal of  
s. 24d of  
principal  
Act.

**6.** Section 24d of the principal Act is repealed.

Consequential  
amendment of  
s. 26 of the  
principal Act—

**7.** Section 26 of the principal Act is amended so as to read as follows :—

Contributions  
on reduction  
of salary.

26. (1) If the salary of a contributor, by reason of his misconduct or default, is reduced from one salary group to another, and the contributor was before the reduction contributing for a number of units greater than the number appropriate to his reduced salary, the number of units for which he shall contribute after the reduction shall be reduced to the number appropriate to his reduced salary.

(2) If the salary of a contributor, for any reason other than his misconduct or default, is reduced from one salary group to another, and the contributor was before the reduction contributing for a number of units greater than the number appropriate to his reduced salary, the contributor may elect to reduce the number of units for which he will contribute as from the reduction of salary, to any number not less than the number appropriate to his reduced salary.

An election under this subsection shall be made within two months after the day on which salary at the reduced rate is first paid.

(3) The actuarial equivalent of any contributions previously paid by a contributor in respect of units in excess of the number as reduced under this section, shall be refunded to the contributor.

(4) When a salary is reduced as mentioned in this section any reduction made in the number of units contributed for shall take effect as from the first day of the month after the month in which salary at the reduced rate is first paid.

Repeal of  
ss. 26a to 26d  
of this Act.

**8.** Sections 26a to 26d (inclusive) of this Act are repealed.

9. The following heading and sections are enacted and inserted in the principal Act after section 28 thereof :—

Enactment of  
Division IIIA,  
of Part IV. of  
principal  
Act—

### DIVISION IIIA.

#### RESERVE UNITS OF PENSION.

Reserve units.

28a. (1) There shall be a reserve units of pension account (in this division referred to as "the reserve units account"), to which shall be credited all contributions made by contributors under this division.

Reserve units  
of pension  
fund.

(2) The money standing to the credit of the reserve units account shall form part of the fund.

28b. (1) A contributor may, from time to time, elect to contribute for one or more reserve units of pension in accordance with this division.

Contribution  
for reserve  
units of  
pension.

(2) The number of reserve units of pension for which a contributor shall be entitled to contribute shall not exceed four.

(3) Contributions in respect of a reserve unit of pension—

(a) shall be in accordance with the rate prescribed in Schedules III. and IV. to this Act; and

(b) shall be payable as from the first day of the month after the month in which the contributor elects to contribute for that reserve unit.

(c) shall be credited annually with interest at the specified rate fixed under section 28d of this Act.

(d) shall be payable as prescribed by Division V. of Part IV. of this Act, and in the same way and at the same times as contributions for other units.

28c. (1) When a contributor who is contributing for one or more reserve units of pension elects or is required to contribute for one or more additional units of pension in pursuance of this Act, he may elect that the contributions paid by him in respect of a number of reserve units of pension not exceeding the number of those additional units of pension shall be treated as contributions for the additional unit or units to be contributed for.

Transfer of  
contributions  
to Superannua-  
tion Fund.



(2) Where a contributor so elects—

- (a) no further contributions shall be paid in respect of the reserve units of pension to which the election applies ; and
- (b) if the amount of the contributions for the reserve units to which the election applies, together with interest thereon at the specified rate credited by the board, is certified by the Actuary to exceed the actuarial equivalent of those contributions the excess shall be paid to the contributor :
- (c) the balance of the said contributions and interest shall be retained in the fund :
- (d) the contributions payable by the contributor in respect of so many of the additional units of pension as is equal to the number of reserve units specified in the election made under subsection (1) of this section, shall be at the same rate as the contributions paid in respect of those reserve units of pension.

(3) Where the contributor had commenced to contribute for reserve units of pension at different times and his election under this section does not apply to all the reserve units for which he is contributing, that election shall apply to those reserve units for which contributions were first commenced.

Discontinuance  
of contribu-  
tions.

28d. (1) A contributor who is contributing for one or more reserve units of pension may elect to discontinue his contributions in respect of any or all of those units, in which case he shall be paid from the fund the amount of the contributions already made by him in respect of those reserve units of pension, together with compound interest on those contributions at the specified rate from the respective dates of payment.

(2) Where the contributor had commenced to contribute for reserve units of pension at different times and his election under this section does not apply to all the reserve units for which he is contributing, that election shall apply to those reserve units for which contributions were last commenced.

(3) Where a contributor who is contributing for one or more reserve units of pension ceases to be an employee, there shall be paid to him from the fund, the amount of his contributions for reserve units together with compound interest on those contributions at the specified rate from the respective dates of payment.

(4) For the purposes of the last two preceding subsections, "the specified rate" means, a rate determined annually by the board.

28e. If a contributor has made an election under section 28c or 28d of this Act, the number of reserve units for which he may thereafter contribute shall be reduced by the number of reserve units in respect of which the election is made.

Contributors  
not entitled  
to re-elect.

10. Section 29 of the principal Act is amended by striking out the words "one-half" in the fifth line and inserting in lieu thereof the words "three-fifths".

Amendment of  
s. 29 of  
principal  
Act—  
Payments by  
Government.

11. Section 30 of the principal Act is amended—

- (a) by inserting the word "twice" after the word "section" in the second line of subsection (2); and
- (b) by striking out the word "twice" in the fourth line, and in the fifth line of subsection (2) and inserting in lieu thereof in each case the words "five times".

Amendment of  
s. 30 of  
principal  
Act—  
Consequential  
amendment.

12. Section 39 of the principal Act is amended by striking out the words "twenty-six pounds" in the first line and inserting in lieu thereof the words "thirty-two pounds ten shillings".

Amendment of  
s. 39 of  
principal  
Act—  
Pension unit.

13. Section 42 of the principal Act is amended by striking out the words "thirteen pounds" in the fourth line of paragraph (b) of subsection (1) and inserting in lieu thereof the words "sixteen pounds five shillings".

Amendment of  
s. 42 of  
principal  
Act—  
Pension to  
widow and  
children of  
contributor.

14. Section 43 of the principal Act is amended—

- (a) by striking out the words "twenty-six pounds" in the fifth line and inserting in lieu thereof the words "thirty-two pounds ten shillings";
- (b) by striking out the words "thirteen pounds" in the thirteenth line and inserting in lieu thereof the words "sixteen pounds five shillings".

Amendment of  
s. 43 of  
principal  
Act—  
Pension to  
widow and  
children of  
pensioner.

15. Section 44 of the principal Act is amended by striking out the words "twenty-six pounds" in the seventh line and inserting in lieu thereof the words "thirty-two pounds ten shillings".

Amendment of  
s. 44 of  
principal  
Act—  
Orphans'  
pensions.

16. Section 48 of the principal Act is amended by striking out the words "thirteen pounds" in the thirteenth line and inserting in lieu thereof the words "sixteen pounds five shillings".

Amendment of  
s. 48 of  
principal  
Act—  
Consequential  
amendment.

Amendment of  
s. 49 of  
principal  
Act—  
Pensions to  
orphan  
children of  
widows.

**17.** Section 49 of the principal Act is amended by striking out the words "twenty-six pounds" in the sixth line and inserting in lieu thereof the words "thirty-two pounds ten shillings".

Amendment of  
s. 51 of  
principal  
Act—

**18.** Section 51 of the principal Act is amended by inserting therein after subsection (1) the following subsection :—

Payments on  
resignation,  
dismissal and  
discharge.

(1a) Where the resignation, dismissal or discharge of a contributor does not take effect until the expiration of long service leave of absence to which he is entitled, the board may on the written request of the contributor pay to him the amount to which he is entitled under this section at the commencement of or during the period of that long service leave of absence.

If that amount is so paid to him, he and his dependents shall not be entitled to any pension or other benefit under this Act in respect of death or invalidity occurring after the payment.

Amendment of  
s. 58 of  
principal  
Act—

**19.** Section 58 of the principal Act is repealed and the following section is enacted in lieu thereof :—

Payment of  
pensions by  
instalments.

**58.** (1) Pensions shall continue to be payable fortnightly up to the thirtieth day of November, nineteen hundred and forty-eight by instalments of one twenty-sixth of the annual rate of each pension.

(2) When paying the instalment of pension for the last complete fortnight before the thirtieth day of November nineteen hundred and forty-eight, the board shall also pay to each pensioner the amount of pension becoming due in respect of the period between the last day of that fortnight and the first day of December, nineteen hundred and forty-eight.

(3) As from the first day of December, nineteen hundred and forty-eight, the annual amount of each pension shall be paid by twenty-four equal instalments. An instalment shall become due on the fifteenth and on the last day of each month.

(4) Payments made in compliance with this section shall be valid notwithstanding any other provision of this Act.

**20.** The following section is enacted and inserted in the principal Act after section 58 thereof :—

Enactment of  
s. 58a of  
principal  
Act—

58a. (1) On the death of any person to whom any money is due under this Act the board may at its discretion, if satisfied that probate or letters of administration will not be applied for, pay or distribute that money to the widow, widower or all or any of the children of the deceased, or any other relative of the deceased, or any person who in the board's opinion has a valid claim against the estate of the deceased.

Payments on  
death.

(2) The receipt of a person to whom money is paid under this section shall be a good discharge to the board against the claims of any other person.

**21.** The First, Second, Third and Fourth Schedules to the principal Act are amended—

Consequential  
amendments  
of schedules of  
principal Act.

- (a) by striking out the amount £52 wherever appearing in the heading to any column in any of those Schedules and inserting in lieu thereof £65 :
- (b) by striking out the amount £26 wherever appearing in the heading to any column in any of those Schedules and inserting in lieu thereof £32 10s.:
- (c) by striking out the amount £13 wherever appearing in the heading to any column in any of those Schedules and inserting in lieu thereof £16 5s.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.