



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 39 of 1978

An Act to amend the Superannuation Act, 1974-1976.

[Assented to 6th April, 1978]

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

1. (1) This Act may be cited as the "Superannuation Act Amendment Act, 1978". Short titles.

(2) The Superannuation Act, 1974-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Superannuation Act, 1974-1978".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation or a day to be fixed by subsequent proclamation.

3. Section 5 of the principal Act is amended—

(a) by striking out from paragraph (b) of the definition of "commutable pension" the passage "or a pension referred to in section 71 of this Act";

(b) by striking out from paragraph (c) of the definition of "commutable pension" the passage "being a widow who had attained the age of sixty years before the commencement of this Act or who attains the age of sixty years on or after the commencement of this Act";

(c) by striking out from paragraph (d) of the definition of "commutable pension" the passage "being a spouse who has attained or attains the age of sixty years";

Amendment of principal Act, s. 5—
Interpretation.

(d) by inserting in subparagraph (ii) of paragraph (b) of the definition of "eligible child" after the passage "contributor pensioner" the passage ", unless the Board is satisfied that, before the death of the contributor or contributor pensioner, the contributor or contributor pensioner or his spouse or both had assumed the care of the child with a view to its adoption";

and

(e) by striking out the definition of "salary" and inserting in lieu thereof the following definition:—

"salary" means salary or wages including any amount payable by way of remuneration or remuneration of a class or kind prescribed as being part of salary for the purposes of this Act or, in relation to the Agent-General, by way of an expenses allowance, but excluding any amount payable by way of an expenses allowance payable to any person other than the Agent-General or by way of any other remuneration or remuneration of a class or kind prescribed as not being part of salary for the purposes of this Act.

Enactment of
s. 10a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 10 thereof:—

Scheme for
part-time
employees.

10a. (1) In this section—

"part-time employee" means any person or person of a class or kind declared by regulation to be a part-time employee.

(2) The Governor may by regulation provide that this Act shall apply to part-time employees with such modifications as are specified in the regulations.

Amendment of
principal Act,
s. 11—
Employees of
public
authorities.

5. Section 11 of the principal Act is amended by striking out from subsection (5) the definition of "public authority" and inserting in lieu thereof the following definition:—

"public authority" means—

(a) any body whether incorporate or unincorporate constituted under any Act, in relation to which the Governor or a Minister of the Crown has a right to appoint the person or persons constituting the body;

or

(b) any prescribed body whether corporate or unincorporate.

Amendment of
principal Act,
s. 13—
Investment of
Fund.

6. Section 13 of the principal Act is amended—

(a) by striking out from subsection (1) the word "or" occurring between paragraphs (fa) and (g);

and

(b) by inserting after paragraph (g) of subsection (1) the following paragraph:—

(h) in such other manner as the Treasurer may approve.

7. Section 14 of the principal Act is amended—
- (a) by striking out from subsection (2) the passage “is hereby” and inserting in lieu thereof the passage “may be”;
- and
- (b) by striking out from subsection (3) the passage “arising by virtue of” and inserting in lieu thereof the word “under”.
8. The following section is enacted and inserted in Division III of Part III of the principal Act before section 58 thereof:—
- 57a. (1) Notwithstanding the provisions of this Act, a lower benefit contributor who elected to be such before the commencement of the Superannuation Act Amendment Act, 1978, may before the thirtieth day of June, 1978, by notice in a manner and form approved by the Board and given to the Board elect to be a higher benefit contributor if the Board is satisfied as to the soundness of the health of the lower benefit contributor.
- (2) Where a contributor elects to be a higher benefit contributor under subsection (1) of this section, this Act shall, on and from the contribution adjustment day of the contributor next following the day on which the election is made, apply to and in relation to the contributor as if he were a higher benefit contributor but notwithstanding the provisions of this Act the amount of any pension or benefit to which he, his spouse or an eligible child becomes entitled under this Act shall be an amount determined by the Public Actuary in relation to that contributor.
9. Section 64 of the principal Act is amended by striking out the passage “immediately before the reduction shall be deemed to be the salary payable to that contributor” and inserting in lieu thereof the passage “shall be the amount determined by the Board from time to time as being the salary that would have been payable to the contributor if the reduction had not occurred”.
10. Section 78 of the principal Act is amended by striking out from the definition of “remunerative activity” in subsection (7) the word “activity,”.
11. Section 84 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—
- (1) A spouse of a deceased contributor or a deceased contributor pensioner who is entitled to a commutable pension, the pension vesting day of which occurred on or after the first day of January, 1973, may by notice in writing delivered to the Board before the expiration of—
- (a) the period of three months next following the commencement of the Superannuation Act Amendment Act, 1978;
- or

Amendment of principal Act, s. 14—
Borrowing by Trust.

Enactment of s. 57a of principal Act—

Election by certain lower benefit contributors to be higher benefit contributors.

Amendment of principal Act, s. 64—
Election to make increased contributions.

Amendment of principal Act, s. 78—
Remunerative activity by invalid pensioners or retrenchment pensioners.

Amendment of principal Act, s. 84—
Commutation by spouse of spouse pension.

(b) the period of six months next following the pension vesting day of the spouse,

whichever event last occurs, elect to commute a number of whole dollars of that pension not exceeding thirty per centum of the number of whole dollars comprised in an amount derived by deducting the supplementation amount from the amount of that pension.

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

K. SEAMAN, Governor