



ANNO DECIMO NONO

ELIZABETHAE II REGINAE

A.D. 1970

No. 57 of 1970

An Act to amend the Superannuation Act, 1969.

[Assented to 10th December, 1970.]

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, 1970".

(2) The Superannuation Act, 1969, as amended by this Act, may be cited as the "Superannuation Act, 1969-1970".

(3) The Superannuation Act, 1969, is hereinafter referred to as "the principal Act".

Commence-
ment.

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

Amendment of
principal Act,
s. 3—
Division of
Act.

3. Section 3 of the principal Act is amended by striking out from the heading relating to Part VI the figures "100" and inserting in lieu thereof the passage "100b".

Amendment of
principal Act,
s. 8—
Investment
of Fund.

4. Section 8 of the principal Act is amended—

(a) by inserting in subparagraph (i) of paragraph (a) of subsection (3) after the passage "in substitution therefor" the passage "or where the repayment of the moneys lent on mortgage is insured by the Board with an approved insurer";

and

(b) by inserting immediately after subsection (5) the following subsections—

(6) The Governor may by proclamation declare any body corporate to be an approved insurer for the purposes of this section and may by proclamation revoke any such declaration.

(7) In this section “approved insurer” means a body corporate for the time being declared pursuant to subsection (6) of this section to be an approved insurer.

5. The following section is enacted and inserted in the principal Act immediately after section 33 thereof:—

Enactment of
s. 33a of
principal Act—

33a. Where a pension has become payable to a former contributor, or the widow of a deceased contributor, and the salary that was payable to that former contributor or deceased contributor is increased after the day on which that pension so became payable and that increase is expressed to take effect from a day before the day upon which the pension so became payable then for the purposes of section 31, 32 or 33 of this Act the salary as so increased shall be deemed to be and always to have been the salary payable to the contributor on and after the day on which the increase was so expressed to take effect.

Retrospective
increases in
salary.

6. The following section is enacted and inserted in the principal Act immediately after section 74 thereof:—

Enactment of
s. 74a of
principal Act—

74a. (1) Subject to this section, where a child had, on the commencement of this Act, attained the age of sixteen years and, but for the fact that that child had so attained that age, section 67, 68, 69, 70 or 74 of this Act would have applied to or in relation to that child, and that child on or after the commencement of this Act, was or became a student child, then such of the sections mentioned in this section as would have so applied shall apply and be deemed always to have applied to and in relation to that child so long as that child is a student child.

Extension of
pensions for
certain student
children.

(2) Nothing in this section shall authorize the payment of a pension to or in relation to a child where the Board has—

(a) pursuant to section 73 refunded any amount representing any portion of the contributions of a deceased parent or the spouse of a deceased parent of the child;

or

- (b) paid, pursuant to subsection (3) or subsection (4) of section 74 of this Act, an amount for the support or education of the child or a brother or sister or a half-brother or half-sister of the child.

Amendment of principal Act, s. 100—
Additional pension supplementation.

7. Section 100 of the principal Act is amended by striking out from subsection (4) the passage “greater than” and inserting in lieu thereof the passage “equal to”.

Enactment of ss. 100a and 100b of principal Act—

8. The following sections are enacted and inserted in Part VI of the principal Act immediately after section 100 thereof:—

Supplementation of certain pensions.

100a. (1) In this section “determination day” in relation to—

- (a) a pension payable to a former contributor or former employee means the day on which that pension first became so payable;
- (b) a pension payable to the widow of a deceased former contributor or a deceased former employee, means the determination day of the pension payable to that deceased former contributor or, as the case may be, the deceased former employee;

and

- (c) a pension payable to the widow of a deceased contributor or a deceased employee, means the day on which that pension first became so payable.

(2) Subject to this section, every pension payable under this Act on the commencement of the Superannuation Act Amendment Act, 1970—

- (a) that had a determination day which occurred on or before the thirtieth day of June, 1967, shall be increased by eight and one-quarter per cent;
- (b) that had a determination day which occurred during the period commencing on and including the first day of July, 1967, and concluding on and including the thirtieth day of June, 1968, shall be increased by five and one-half per cent;

and

- (c) that had a determination day which occurred during the period commencing on and including the first day of July, 1968, and concluding on and including the thirtieth day of June, 1969, shall be increased by three and one-quarter per cent.

(3) Any increase of pension provided for by subsection (2) of this section shall—

- (a) be payable as provided for in this subsection;
- (b) be payable on and from the day of commencement of the Superannuation Act Amendment Act, 1970; and
- (c) for all purposes, be regarded as part of a pension payable under this Act.

(4) For the purpose of calculating the amount of any increase of pension provided for by subsection (2) of this section—

- (a) any increase of pension provided for before the commencement of the Superannuation Act Amendment Act, 1970, shall be regarded as part of the pension; and
- (b) any pension or part of a pension represented by an amount payable to or in respect of a child or student child shall not be regarded as a pension or part of a pension.

(5) The amount of any increase provided for by this section shall be calculated to the nearest whole cent and any fraction of a cent equal to one-half of a cent shall be regarded as one cent.

100b. Notwithstanding anything in this Part, on and after the commencement of the Superannuation Act Amendment Act, 1970, any supplementary pension—

Portion of supplement payable from account.

- (a) referred to in section 99 of this Act;
- or
- (b) payable pursuant to section 100 of this Act or payable pursuant to this section,

shall, as to thirty per cent of that supplementary pension, be payable from the Account and as to the remaining seventy per cent of that supplementary pension be paid out of the General Revenue of the State which is to the necessary extent appropriated accordingly.

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

J. W. HARRISON, Governor.