



ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

No. 2422.

An Act to amend the Superannuation Act, 1926-1935.

[Assented to 19th December, 1938.]

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, 1938".

(2) The Superannuation Act, 1926-1935, as amended by this Act, may be cited as the "Superannuation Act, 1926-1938".

(3) The Superannuation Act, 1926-1935, is in this Act 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.

Enactment of ss. 26c and 26d of principal Act—

3. The following sections are enacted and inserted in the principal Act after section 26b thereof :—

Provisions as to contributors insured under National Insurance.

26c. (1) In this section and in section 26d—

"insured person" means a person insured under and in accordance with the National Health and Pensions Insurance Acts :

"National Health and Persons Insurance Acts" means the National Health and Persons Insurance Act, 1938, of the Commonwealth together with all Acts incorporated therewith.

(2) Any contributor who becomes an insured person shall within two months from the day on which he becomes

an insured person elect, by written notice given to the board, to do one of the following things, namely :—

- (a) To continue to contribute to the fund in accordance with this Act :
- (b) To surrender any of the units for which he was contributing and to continue to contribute in accordance with this Act for the number of units allowed by this Act, less the units so surrendered :

Provided that in no case shall the number of units for which a contributor continues to contribute be less than two.

- (c) To withdraw wholly from the fund and surrender all the units for which he was contributing :

Every such election shall take effect as from the day on which the contributor becomes an insured person.

(3) If a contributor fails to elect as required by sub section (2) of this section, he shall be deemed to have elected to continue to contribute to the fund in accordance with this Act.

(4) Where a contributor surrenders units under this section he shall be entitled to receive from the fund the actuarial equivalent of the contributions (other than contributions towards the cost of the administration of this Act) made by him in respect of the units so surrendered.

(5) The board shall from the money in the fund and without any appropriation other than this Act, pay to any contributor or ex-contributor the amount to which he is entitled under this section.

(6) The board may in any case extend the time for making an election under this section.

26d. (1) Notwithstanding any other provision of this Act, any person who becomes an employee after the enactment of this section and is an insured person at the time of the commencement of his employment or subsequently becomes an insured person may elect not to be a contributor to the fund or may elect to contribute to the fund at the rate appropriate for his age for the number of units prescribed for the salary-group to which he belongs, less two units. Any such insured person shall not contribute to the fund for any greater number of units than the number hereinbefore mentioned in this subsection.

Provision as to future employees, insured under National Insurance.

Superannuation Act Amendment Act, 1938.

(2) An election under subsection (1) of this subsection shall be made by written notice given to the board by the insured person within two months from the commencement of his employment or from the time when he becomes an insured person, whichever is later.

(3) If an employee fails to elect as required by subsection (1) of this section, he shall be deemed to have elected not to be a contributor to the fund.

(4) Any person who becomes an employee after the enactment of this section and who will, in the board's opinion, become an insured person upon or after the coming into operation of the National Health and Pensions Insurance Acts or any provisions thereof, may make an election as provided by subsection (1) of this section within two months after the commencement of his employment.

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

W. DUGAN, Governor.