



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 82 of 1976

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

[Assented to 9th December, 1976]

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 (No. 2), 1976".
- (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, 1974-1976".
- Commencement.** 2. This Act shall come into operation on a day to be fixed by proclamation.
- Enactment of s. 11a of principal Act—** 3. The following section is enacted and inserted in Part I of the principal Act after section 11 thereof:—
- Prescribed contributors.** 11a. (1) In this section—
- "Commonwealth liability" in relation to a prescribed contributor means the amounts agreed between the Treasurer of the Commonwealth and the Treasurer of the State as being equal to the periodical payments that would be required to be paid by the Commonwealth in respect of pensions or other benefits that would have been payable to or in relation to a prescribed contributor had that prescribed contributor been a contributor for superannuation under the relevant Commonwealth Act for pension or other benefits analogous to which the prescribed contributor is entitled under this Act:
- "contributor" includes a person who is a contributor to the Provident Account established under section 99 of this Act:
- "declared date" means the declared date as defined pursuant to the Railways (Transfer Agreement) Act, 1975:

“excess amount payable” in relation to a prescribed contributor means—

(a) where the State liability exceeds the Commonwealth liability, half of the difference between the respective amounts of those liabilities;

and

(b) in any other case, nothing:

“prescribed contributor” means a contributor—

(a) who, pursuant to section 14 of the Railways (Transfer Agreement) Act, 1975, vacated his office;

(b) who, immediately following that vacation of office, accepted an appointment as an officer or an engagement as an employee of the Australian National Railways Commission in the terms of clause 15 of the Agreement set out in the schedule to the Railways (Transfer Agreement) Act, 1975;

and

(c) who, on or before the declared date, by notice in writing delivered to the Board, notified his intention of accepting the benefits of this section:

“State liability” in relation to a prescribed contributor means the amounts periodically payable by the State in respect of pensions or other benefits under this Act payable to or in relation to a prescribed contributor.

(2) Notwithstanding anything in this Act contained, a prescribed contributor shall, so long as he remains an officer or employee of the Australian National Railways Commission, continue as a contributor in all respects as if his employment with the Commission were employment as an employee as defined in this Act and this Act shall apply and have effect accordingly.

(3) Without limiting the generality of subsection (2) of this section nothing in that subsection shall limit or restrict the effect of section 102 of this Act in its application to a prescribed contributor.

(4) The Governor may from time to time by proclamation amend or vary any provision of this Act in order to give full effect to subsection (2) of this section and any such variation or amendment shall have effect as if it were enacted in this Act.

(5) The State may enter into an agreement with the Commonwealth providing for the carrying out and giving effect to this section and, without limiting the generality of the matters that may be provided for, the agreement may provide for—

(a) the supply of information and returns by the Australian National Railways Commission relating to prescribed contributors in the employment of the Commissioner;

(b) deductions to be made from the wages or salary payable to prescribed contributors by the Australian National Railways Commission and the transmission of the amounts of those deductions by the Commission to the Board;

and

(c) reimbursement by the Commonwealth to the State of amounts equal to—

- (i) the Commonwealth liability in relation to each prescribed contributor;
- (ii) the excess amount payable in relation to each prescribed contributor;
- (iii) annual amounts agreed upon between the Treasurer of the State and the Treasurer of the Commonwealth as being the reasonable cost of administering this Act in relation to each prescribed contributor and each pension payable under this Act to or in relation to prescribed contributors.

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

D. NICHOLLS, Governor