



ANNO QUARTO

ELIZABETHAE II REGINAE

A.D. 1955

No. 44 of 1955

An Act to amend the Superannuation Act, 1926-1954.

[Assented to 8th December, 1955.]

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, 1955".

(2) The Superannuation Act, 1926-1954, as amended by this Act, may be cited as the "Superannuation Act, 1926-1955".

(3) The Superannuation Act, 1926-1954, is hereinafter referred to as "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.

Amendment of
s. 12 of
principal Act—
Removal of
members of
board.

3. Section 12 of the principal Act is amended by adding after the word "incompetence" at the end of subsection (1) the words "or neglect of his duties as a member or mental or physical incapacity to perform those duties".

Amendment of
s. 13 of
principal Act—
Vacation of
office.

4. Section 13 of the principal Act is amended by striking out paragraphs (b) and (c) thereof and inserting in lieu thereof the following paragraph :—

(b) is removed from office pursuant to section 12 of this Act.

5. Section 16 of the principal Act is amended by adding at the end thereof the following subsection (the previous part of section 16 being read as subsection (1) thereof) :—

Amendment of
s. 16 of
principal Act—
Quorum.

(2) A notice shall be deemed to have been given personally or by post to a member if it is addressed to him and is delivered by post or otherwise at the office where the member usually works, or at his usual or last known place of residence, or at any place where he is residing at the time of such delivery.

6. Section 24 of the principal Act is amended by striking out the words “two hundred and sixty” in the first and second lines of subsection (2) and inserting in lieu thereof “three hundred and fifty”.

Amendment of
s. 24 of
principal Act—
Scale of units
of pension.

7. Section 24a of the principal Act is amended by adding at the end of subsection (3) the following proviso :—

Amendment of
s. 24a of
principal Act—
Rights of
contributors.

Provided that a professional or salaried railways officer who was awarded an increase of salary operative as from the thirteenth day of February, 1955, by the order made under the Conciliation and Arbitration Act, 1902-1952, of the Commonwealth on the nineteenth day of May, 1955, or the order made under that Act, on the second day of June, 1955, may make an election under this section at any time before the first day of February, 1956.

8. Section 24ba of the principal Act is amended—

Amendment of
s. 24ba—
Election on
increase of
salary.

(a) by inserting the word “additional” before the word “units” in the last line of subsection (2) ;

(b) by striking out subsection (4) thereof and inserting in its place the following subsection :—

(4) In this section the expression “additional units appropriate to his increased salary” means the number of units equal to the difference between the number of units appropriate to his salary before the increase and the number appropriate to his increased salary.

9. Section 24bd of the principal Act is repealed and the following section is enacted and inserted in its place :—

Repeal of
s. 24bd of
principal Act
and enactment
of other
provisions—
Effect of
election not to
take units or
on failure to
take.

24bd. (1) An employee or contributor who has before or after the enactment of this section—

(a) elected not to contribute ; or

(b) been exempted by the board from contributing ; or

(c) been refused permission by the board to contribute,

for any units for which he had an option to contribute shall not thereafter be entitled to contribute for those units except as provided in subsection (3) of section 24b and in section 24be of this Act, and in subsection (2) of this section.

(2) If an employee is not contributing for any units or a contributor is contributing for a number of units less than the number appropriate to his salary, the board may, subject to any conditions which it deems just, permit him to contribute for units or additional units, but so that the total number of units contributed for by him is not greater than the number appropriate to his salary.

(3) Where permission is so given, the contributions for the units for which permission is given shall, unless the board otherwise directs, be payable as from the first day of the next month after the month in which the permission is given, and be at the rate appropriate to the age of the employee or contributor on his next birthday after that day.

Amendment of
s. 28c of
principal Act—
Transfer of
reserve
contributions.

10. Section 28c of the principal Act is amended by adding at the end of paragraph (2) the following proviso:—

Provided that a refund in respect of reserve units shall not be made under paragraph (b) of this subsection unless contributions for those units have been paid for at least five years.

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

11. (1) Section 42 of the principal Act is amended—

(a) by striking out the proviso at the end of subsection (1); and

(b) by striking out the words “and no other pension shall be payable to her pursuant to the said paragraph” at the end of subsection (2) and inserting in lieu thereof the following proviso:—

Provided that if the widow of a deceased contributor marries another contributor and again becomes a widow on the death of the second husband either before or after his retirement, and if the second husband was immediately before his death contributing for a pension greater than that of the first husband, her pension shall be based upon that for which the second husband was so contributing; and

(c) by striking out subsection (3).

(2) A pension payable to a widow under section 42 of the principal Act at the time of the commencement of this Act

shall on and after the first day of the month following the said commencement not be subject to any reduction by reason of the fact that the widow was not the first wife of the contributor.

12. (1) Section 43 of the principal Act is amended—

- (a) by striking out the last proviso to subsection (1); and
 (b) by striking out the words “and no other pension shall be payable to her pursuant to the said paragraph” at the end of subsection (2) and inserting in lieu thereof the following proviso :—

Amendment of
s. 43 of
Principal Act—
Pension to
widow of
pensioner.

Provided that if the widow of a deceased pensioner marries a contributor and again becomes a widow on the death of the second husband either before or after his retirement, and if the second husband was immediately before his death contributing for a pension greater than that of the first husband her pension shall be based upon that for which the second husband was so contributing; and

- (c) by striking out subsection (3).

(2) Section 43 is further amended by adding at the end thereof the following subsection :—

(4) Where a male pensioner dies leaving a widow the board may pay to her any balance of her husband's pension accrued in respect of any period before his death.

(3) A pension payable to a widow under section 43 of the principal Act at the time of the commencement of this Act shall on and after the first day of the month following the said commencement not be subject to any reduction by reason of the fact that the widow was not the first wife of the contributor.

13. Section 44 of the principal Act is amended by adding at the end of subsection (2) thereof the following passage :—

The board may if it thinks fit pay the said sum to the Public Trustee upon trust to use it as aforesaid and the Public Trustee shall have power to accept the said sum and carry out the said trust.

Amendment of
s. 44 of
Principal Act—
Pension to
orphans.

14. Section 49 of the principal Act is amended by adding at the end of subsection (2) thereof the following passage :—

Amendment of
s. 49 of
Principal Act—
Pension to
orphans.

The board may if it thinks fit pay the said sum to the Public Trustee upon trust to use it as aforesaid and the Public Trustee shall have power to accept the said sum and carry out the said trust.

Amendment of
s. 61 of
principal Act—
Employee
restored to
health.

15. Section 61 of the principal Act is amended—

- (a) by striking out the words "his duties" in the fourth line of subsection (1) and inserting in lieu thereof the words "duties in the service" ;
- (b) by inserting after the word "him" in the first line of subsection (2) the words "or if he is employed in any such employment" ;
- (c) by striking out the words "two-thirds" in the second line of subsection (2) and inserting in lieu thereof "three-quarters" ;
- (d) by adding at the end thereof the following subsection :—

(4) In this section "suitable employment" means employment in the service suitable for the pensioner having regard to the state of his health and his abilities.

Enactment of
s. 82a of
principal Act—

Deduction of
contributions
from pensions.

16. The following section is enacted and inserted in the principal Act after section 82 thereof :—

82a. Where a contributor retires or dies without having paid all contributions due by him under this Act the board may deduct, either in one sum or by periodical instalments determined by the board, the arrears of contributions from any pension or other money payable under this Act on or by reason of the retirement or death of the contributor.

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

R. A. GEORGE, Governor.