



ANNO VICESIMO

## ELIZABETHAE II REGINAE

A.D. 1971

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## No. 92 of 1971

An Act to amend the Superannuation Act, 1969-1970.

[Assented to 25th November, 1971]

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, 1971". Short titles.

(2) The Superannuation Act, 1969-1970, as amended by this Act, may be cited as the "Superannuation Act, 1969-1971".

(3) The Superannuation Act, 1969-1970, is hereinafter referred to as "the principal Act".

2. Section 3 of the principal Act is amended—

(a) by striking out from the reference to Division 2 of Part III the figures "44" and inserting in lieu thereof the figures "44a";

and

(b) by striking out from the reference to Part VI the figures "100b" and inserting in lieu thereof the figures "100c".

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

3. Section 4 of the principal Act is amended—

(a) by striking out from paragraph (a) of the definition of "payment day" the word "first";

(b) by inserting in paragraph (a) after the word "occurring" the passage "within the first superannuation fortnight that falls wholly";

Amendment of  
principal Act,  
s. 4—  
Definitions.

(c) by striking out from paragraph (b) of that definition the word "first";

(d) by inserting in paragraph (b) after the word "occurring" the passage "within the first superannuation fortnight that falls wholly";

and

(e) by inserting after the definition of "student child" the following definition:—

"superannuation fortnight" means the period of fourteen days that commenced on the first day of July, 1970, and each succeeding period of fourteen days that occurred or occurs thereafter:.

Amendment of  
principal Act,  
s. 25—  
Contributions.

4. Section 25 of the principal Act is amended by striking out paragraph (a) from subsection (3) and inserting in lieu thereof the following paragraph:—

(a) immediately after his pay day that occurs within the whole superannuation fortnight that immediately precedes the day on which he ceases to be an employee;

Amendment of  
principal Act,  
s. 37—  
Permission to  
contribute for  
neglected units.

5. Section 37 of the principal Act is amended by inserting in subsection (2) after the passage "neglected units" the passage "not being such units that became neglected units by operation of subsection (3) of section 44a of this Act".

Enactment of  
s. 44a of  
principal Act—

6. The following section is enacted and inserted in Division 2 of Part III of the principal Act immediately after section 44 thereof:—

Advanced age  
contributors.

44a. (1) A prescribed contributor who, on any entitlement day that has occurred or occurs after the thirtieth day of April, 1971, became or becomes entitled to contribute for available units may, subject to this section, in lieu of contributing for the whole number of those available units elect to contribute for a whole number of those units not exceeding thirty-one fortieths of the number of those available units.

(2) An election under this section shall—

(a) be made in a form approved of by the Board;

(b) specify the number of units of pension (not exceeding the maximum number of units in respect of which pursuant to this section he is entitled to make an election) in respect of which he makes an election;

and

(c) be addressed to the Treasurer and delivered to the accounting officer of the Department or undertaking in which the contributor is employed before the expiration of the prescribed election period.

(3) A prescribed contributor who makes an election pursuant to this section shall, in relation to the available units referred to in subsection (1) of this section, be deemed to have elected not to contribute for a number of units of pension equal to nine thirty-firsts of the number of units (any fraction of a unit being regarded as a whole unit) in respect of which an election was made to contribute pursuant to this section.

(4) A contributor who makes an election pursuant to this section shall contribute for the units of pension in respect of which the election was made at a rate equal to ten thirty-firsts of the rate that he would have been required to contribute for those units if this section had not been enacted.

(5) There shall be payable to the Fund, in respect of each of the units of pension in respect of which there has been made an election under this section, out of the general revenue of the State which is hereby to the necessary extent appropriated accordingly an amount equal to the difference between the amounts that would have been paid by prescribed contributors for those units had this section not been enacted and the amounts that have been paid by those contributors for those units and, subject to subsection (6) of this section, any amounts so paid shall be deemed to be contributions paid by the prescribed contributor.

(6) Where, pursuant to this Act, the Fund is liable to refund to a prescribed contributor or former prescribed contributor or to any person claiming through a prescribed contributor or former prescribed contributor all or part of the contributions made to the Fund by that prescribed contributor or, as the case may be, that former prescribed contributor and any payments have been made out of the general revenue of the State pursuant to subsection (5) of this section in respect of that prescribed contributor or former prescribed contributor then, notwithstanding anything in this Act, there shall be deducted from the amount to be so refunded from the Fund an amount equal to the aggregate of the payments so made pursuant to subsection (5) of this section and the amount so deducted shall be paid to the Treasurer in aid of the general revenue of the State.

(7) The aggregate of the number of units of pension in respect of which a prescribed contributor shall be entitled to make an election under this section shall not exceed—

(a) one-quarter of the number of units, not counting any units in respect of which he has elected to contribute pursuant to this section, he will be contributing for on the payment day that next succeeds his entitlement day in respect of which an election is to be made pursuant to this section;

or

(b) twenty-five units of pension,

whichever number of units is the lesser number.

(8) In this section—

“available units” in relation to a prescribed contributor on any entitlement day, means the number of units of pension ascertained by deducting from the difference between the number of units appropriate to his salary before that entitlement day and the number of units appropriate to his salary on that entitlement day the number of units of pension (if any) he has, in respect of that entitlement day, elected to contribute for otherwise than pursuant to this section:

“prescribed contributor” means a contributor—

(a) who—

(i) being male, has attained the age of sixty years;

or

(ii) being female, has attained the age of fifty-five years,

on his payment day that next follows his entitlement day in respect of which an election is to be made pursuant to this section;

(b) who on that payment day will be contributing, or will have finally contributed, for not less than half the units appropriate to his salary, not counting such units in respect of which he has elected to contribute pursuant to this section, on his entitlement day that immediately precedes that payment day;

(c) whose fortnightly contributions on his payment day referred to in paragraph (b) of this definition, excluding contributions payable in respect of reserve units of pension and units for which he has elected to contribute pursuant to this section, exceed twelve per centum of his fortnightly salary on his entitlement day that precedes that payment day;

and

(d) who is employed in a permanent capacity by the Government of South Australia,

and in paragraph (c) of this definition the expression "fortnightly contributions" shall be deemed to include, in the case of a contributor—

(e) being male, who has attained the age of sixty-four years;

or

(f) being female, who has attained the age of fifty-nine years,

and who has made his final fortnightly contribution for his units of pension, an amount equal to the amount of that final fortnightly contribution:

"prescribed election period" in relation to—

(a) an entitlement day of a contributor that occurred before the day of commencement of the Superannuation Act Amendment Act, 1971, means the period that expires on the tenth day of December, 1971;

(b) an entitlement day of a contributor that occurs on or after the day of commencement of that Act, means the period that expires on the first day of the month immediately preceding the payment day of that contributor that next follows that entitlement day.

7. Section 52 of the principal Act is amended by striking out from subsection (2) the passage "referred to in subsection (1) of this section".

Amendment of principal Act, s. 52—  
Contributors on leave of absence.

8. Section 68 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the word "contributor's" and inserting in lieu thereof the word "pensioner's".

Amendment of principal Act, s. 68—  
Pension to widow and children on death of pensioner.

Amendment of principal Act, s. 71—  
Payments by Board in respect of orphan children.

9. Section 71 of the principal Act is amended by inserting in subsection (1) after the passage “or the pensioner” being the last words in that subsection, the passage “and upon such a payment being made no further pension or benefit under this Act shall be payable to any person claiming through the contributor or pensioner”.

Amendment of principal Act, s. 74—  
Pensions to orphans upon death of widow or pensioner.

10. Section 74 of the principal Act is amended by inserting in subsection (3) after the passage “support or education of the children” the passage “and upon such a payment being made no further pension or benefit under this Act shall be payable to any person claiming through the contributor or pensioner”.

Repeal of s. 100b of principal Act and enactment of section in its place—  
Supplementation of certain pensions.

11. Section 100b of the principal Act is repealed and the following sections are enacted and inserted in its place:—

100b. (1) In this section “determination day” means determination day as defined for the purposes of section 100a of this Act.

(2) Subject to this section, every pension payable under this Act—

(a) that was payable on the day fixed by proclamation for the purposes of this section;

and

(b) that had a determination day that occurred on or before the thirtieth day of June, 1970,

shall, on and from the day referred to in paragraph (a) of this subsection, be increased by five per centum.

(3) The increase of pension provided for by subsection (2) of this section shall for all purposes be regarded as part of a pension payable under this Act.

(4) For the purposes of calculating the amount of any increases in pension provided for by subsection (2) of this section—

(a) any increase in pension provided for before the commencement of the Superannuation Act Amendment Act, 1971, 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 in pension 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.

100c. Notwithstanding anything in this Part, on and after the commencement of the Superannuation Act Amendment Act, 1971, any supplementary pension, or increase in pension—

Portion of supplement payable from account.

(a) referred to in section 99 of this Act;

or

(b) payable pursuant to section 100, section 100a or section 100b of this Act,

shall as to thirty per centum of the supplementary pension or increase in pension be payable from the Account and as to the remaining seventy per centum of the supplementary pension or increase in pension be payable out of the general revenue of the State which is hereby to the necessary extent appropriated accordingly.

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

J. M. NAPIER, Lieutenant-Governor