



ANNO DECIMO

## ELIZABETHAE II REGINAE

A.D. 1961

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## No. 40 of 1961

An Act to amend the Superannuation Act, 1926-1960.

[Assented to 9th November, 1961.]

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, 1961".
- (2) The Superannuation Act, 1926-1960, as amended by this Act may be cited as the "Superannuation Act, 1926-1961".
- (3) The Superannuation Act, 1926-1960, 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.
- Commencement.** 3. This Act (other than the amendments effected by section 8, paragraph (b) of section 15, paragraphs (b) and (c) of section 17, paragraph (b) of section 20 and paragraph (a) of section 22, which amendments shall come into operation on the first day of July, one thousand nine hundred and sixty-two) shall come into operation on the first day of January, one thousand nine hundred and sixty-two.
- Amendment of principal Act, s. 3.** 4. Subsection (1) of section 3 of the principal Act is amended by striking out the definition of "actuarial equivalent" therein and inserting in lieu thereof the following definitions :—
- "actuarial equivalent" when used with reference to units surrendered under the provisions of section 25 and 26

or transferred under the provisions of section 28c means the cash sum which the actuary certifies to be the surrender value of contributions paid for the units surrendered or transferred.

“actuarial equivalent” when used with reference to a pension which is the actuarial equivalent of contributions paid or deemed to have been paid means the amount of pension together with contingent widow’s pension in respect thereof, which the actuary certifies to have a present value equal to the surrender value of such contributions.

5. Subsection (4) of section 3a of the principal Act is amended by striking out the words “and which holds property for or on account of the Crown” at the end thereof. Amendment of principal Act, s. 3a.

6. Section 5 of the principal Act is amended by inserting therein after subsection (2) thereof the following subsections :— Amendment of principal Act, s. 5.

(3) The amount of a loan made by the Board on the security of real property may be—

(a) any sum not exceeding seventy per centum of the value of the property as estimated by a valuer employed by the Board ;

(b) any sum which the Board is authorized to lend under the Homes Act, 1941-1958.

(4) The Board may lend money on mortgage of real property for any term not exceeding thirty years.

7. Subsection (1) of section 7 of the principal Act is amended by striking out the words “five years” therein and inserting in lieu thereof the words “three years”. Amendment of principal Act, s. 7.

8. Section 23 of the principal Act is amended— Amendment of principal Act, s. 23.

(a) by striking out the words “month next” in subsection (1) thereof and inserting in lieu thereof the words “fortnightly pay period next commencing” ;

(b) by striking out the words “month after the month” in subsection (1a) thereof and inserting in lieu thereof the words “fortnightly pay period next after the fortnightly period” ;

(c) by striking out the words “month following” in subsection (1c) thereof and inserting in lieu thereof the words “first fortnightly pay period commencing after” ;

(d) by striking out the words "one year's contributions" in the proviso to subsection (2) thereof and inserting in lieu thereof the words "twenty-six fortnights' contributions".

Amendment of principal Act, s. 23a.

9. Paragraph (a) of subsection (1) of section 23a of the principal Act is amended by inserting therein after the word "health" the following proviso :—

"Provided that the Board may refuse to accept a certificate given more than twelve months before the employee became entitled or required to contribute to the Fund".

Amendment of principal Act, s. 24.

10. Section 24 of the principal Act is amended—

(a) by striking out the scale in subsection (1) thereof and inserting in lieu thereof the following scale :—

*Scale of Units of Pension.*

Column One.	Column Two.
Salary of Employee.	Appropriate Number of Units of Pension.
Not exceeding £640 .....	8
Exceeding £640 but not exceeding £720.....	8
Exceeding £720 but not exceeding £800.....	9
Exceeding £800 but not exceeding £880.....	10
Exceeding £880 but not exceeding £960.....	11
Exceeding £960 but not exceeding £1,040 .....	12
Exceeding £1,040 but not exceeding £1,120 .....	13
Exceeding £1,120 but not exceeding £1,200 .....	14
Exceeding £1,200 but not exceeding £1,280.....	15
Exceeding £1,280 but not exceeding £1,360.....	16
Exceeding £1,360 but not exceeding £1,440.....	17

*Scale of Units of Pension—continued.*

Column One.	Column Two.
Salary of Employee.	Appropriate Number of Units of Pension.
Exceeding £1,440 but not exceeding £1,520.....	18
Exceeding £1,520 but not exceeding £1,600.....	19
Exceeding £1,600 but not exceeding £1,680.....	20
Exceeding £1,680 but not exceeding £1,760.....	21
Exceeding £1,760 but not exceeding £1,840.....	22
Exceeding £1,840 but not exceeding £1,920.....	23
Exceeding £1,920 but not exceeding £2,000.....	24
Exceeding £2,000 but not exceeding £2,160.....	25
Exceeding £2,160 but not exceeding £2,320.....	26
Exceeding £2,320 but not exceeding £2,480.....	27
Exceeding £2,480 but not exceeding £2,640.....	28
Exceeding £2,640 but not exceeding £2,800.....	29
Exceeding £2,800 but not exceeding £2,960.....	30
Exceeding £2,960 but not exceeding £3,120.....	31
Exceeding £3,120 but not exceeding £3,280.....	32
Exceeding £3,280 but not exceeding £3,440.....	33
Exceeding £3,440 but not exceeding £3,600.....	34
Exceeding £3,600 but not exceeding £3,744.....	35
Exceeding £3,744—1 unit for each complete £104 of salary	

(b) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) A contributor may at any time by notice in writing to the board in the prescribed form elect to contribute for all or some of the units appropriate to his salary from time to time as and when his salary may from time to time be increased. A contributor may at any time by notice in writing in the prescribed form determine such election in respect of any units to which he may become entitled after the date of such determination.

Amendment of  
principal Act,  
s. 24aa.

11. Section 24aa of the principal Act is amended by inserting therein after subsection (8) thereof the following subsections :—

(9) Every person who is a contributor to the fund on the first day of January one thousand nine hundred and sixty-two shall, subject to this Act, continue to contribute for the units for which he is contributing on that day.

(10) A contributor whose salary on the first day of January one thousand nine hundred and sixty-two exceeds £3,744 may elect to contribute for all or some of the units appropriate to that salary in excess of thirty-six; the contribution in respect of any such units shall be at the rate in Schedule VII or VIII appropriate to his age on his birthday next after the date of commencing to contribute for such units: Provided that every election under this subsection shall be made not later than the first day of March, 1962 and if no such election is so made in the prescribed manner the contributor shall, notwithstanding the provisions of section 24bb, be deemed to have elected not to contribute for any of the units for which he could have elected to contribute.

Amendment of  
principal Act,  
s. 24b.

12. Section 24b of the principal Act is amended—

(a) by striking out the words “within two months after his appointment” in subsection (1) thereof and inserting in lieu thereof the words “not later than the last day of the second month after the month during which he is appointed”;

(b) by striking out the words “within two months after” in subsection (2) thereof and inserting in lieu thereof the words “not later than the last day of the second month after the month during which”;

(c) by inserting at the end thereof the following subsection :—

(4) Where an employee, who had been certified as of sound health pursuant to section 23a of the Act and was entitled to make an election under this section, dies before the expiration of the period prescribed in subsections (1) and (2) of this section without having made any such election he shall be deemed to have elected to contribute for all of the units for which he could have elected.

**13.** Section 24ba of the principal Act is amended—

Amendment of  
principal Act,  
s. 24ba.

- (a) by striking out the words “within two months after the day on” in subsection (3) thereof and inserting in lieu thereof the words “not later than the last day of the second month after the month during”.
- (b) by inserting at the end thereof the following subsection:—

(6) Where a contributor who was entitled to make an election under subsections (1) or (2) of this section dies before the expiration of the period prescribed in subsection (3) of this section without having made such election he shall be deemed to have elected to contribute for the additional unit or units for which he was entitled to elect.

**14.** Section 24bc of the principal Act is repealed and the following section is inserted in lieu thereof:—

Repeal and re-  
enactment of  
principal Act,  
s. 24bc.

24bc. The Board may accept an election not to contribute for units made by a person who has failed through inadvertence to make an election within the prescribed period, if the Board is satisfied that in all the circumstances of the case it is desirable that the same should be accepted.

Power to accept  
late election.

**15.** Section 24bd of the principal Act is amended—

Amendment of  
principal Act,  
s. 24bd.

- (a) by inserting at the end of subsection (2) thereof the following proviso:—

Provided that section 23a of this Act shall apply in any case where an employee is not contributing for any units.

- (b) by striking out the word “month” (first occurring) in subsection (3) thereof and inserting in lieu thereof the words “fortnightly pay period commencing”.

Repeal of  
principal Act,  
s. 24be.

16. Section 24be of the principal Act is repealed.

Amendment of  
principal Act,  
s. 26.

17. Section 26 of the principal Act is amended—

- (a) by striking out the words “forty-five pounds ten shillings” in subsections (1) and (2) thereof and inserting in lieu thereof the words “fifty-two pounds” in each case.
- (b) by striking out the word “month” (first occurring) in subsection (4) thereof and inserting in lieu thereof the words “fortnightly pay period next commencing”.
- (c) by striking out the word “month” (last occurring) in subsection (4) thereof and inserting in lieu thereof the words “fortnightly pay period”.

Enactment of  
principal Act,  
s. 27c.

18. The following section is inserted in the principal Act after section 27b thereof—

Contributions  
from 1st  
July, 1962.

27c. (1) The contributions payable by every contributor for any unit of pension for which contributions commenced or commence before the 30th day of June, 1962, shall continue to be paid in accordance with the scales of contributions in force before the passing of this Act.

(2) Except as otherwise provided in this Act the contributions for every unit of pension for which a contributor or employee commences to contribute on or after the first day of July, one thousand nine hundred and sixty-two shall be in accordance with the Schedules IX and X of this Act.

Amendment of  
principal Act,  
s. 28a.

19. Section 28a in Division IIIA of Part IV of the principal Act is amended by renumbering the same as section 28aa.

Amendment of  
principal Act,  
s. 28b.

20. Section 28b of the principal Act is amended—

- (a) by striking out the word “four” in subsection (2) thereof and inserting in lieu thereof the word “eight”;
- (b) by striking out the word “month” (first occurring) in subsection (3) thereof and inserting in lieu thereof the words “fortnightly pay period next commencing”.

Amendment of  
principal Act,  
s. 28ba.

21. Section 28ba of the principal Act is amended—

- (a) by striking out the words "first day of February, 1955" in subsections (1) and (2) thereof and inserting in lieu thereof the words "first day of July, 1962" in each case ;
- (b) by striking out the passage "VII and VIII" in subsections (1) and (3) thereof and inserting in lieu thereof the passage "IX and X" in each case ;
- (c) by striking out the words "passing of the Superannuation Act Amendment Act, 1954" at the end of subsection (3) thereof and inserting in lieu thereof the words "first day of July, 1962".

**22.** Section 33 of the principal Act is amended—

Amendment of  
principal Act  
s. 33.

- (a) by inserting therein after the word "salary" the words "for each fortnightly pay period".
- (b) by inserting at the end thereof the following passage :—

Any contribution of a contributor which is in arrear except because of leave of absence of a contributor through illness shall bear compound interest at such rate not exceeding five per centum per annum as the Board considers appropriate.

**23.** Subsection (2) of section 39 of the principal Act is amended by striking out the words "one unit" therein and inserting in lieu thereof the words "one and one-fifth units".

Amendment  
of principal  
Act, s. 39.

**24.** The following section is inserted in the principal Act after section 39a thereof :—

Enactment of  
principal Act,  
s. 39b.

39b. (1) Except as provided in this section the unit of pension shall on and after the first day of January, 1962, be fifty-two pounds.

Increase of unit  
of pension.

(2) All units of pension of £45 10s. in force on that day or being contributed for on that day, or for which all contributions have been fully paid before that day, shall be increased to £52.

(3) All units of pension of less than £45 10s. in force or being contributed for on the first day of January, 1962, or for which all contributions have been fully paid before that day, shall be increased by one-seventh.

(4) Nothing in this section shall be construed so as to increase the value of any unit of pension above £52.



Amendment of  
principal Act,  
s. 41.

**25.** Subsection (1) of section 41 of the principal Act is amended by inserting at the end thereof the following passage—

“In certifying the actuarial equivalent for the purposes of this section the actuary shall assume that contributions were paid by the contributor during the full period during which that contributor has been paid a pension under section 40 or section 47 of this Act.”

Amendment of  
principal Act,  
s. 42.

**26.** Section 42 of the principal Act is amended—

- (a) by striking out the words “four-sevenths” in paragraph (a) of subsection (1) thereof and inserting in lieu thereof the words “three-fifths” ;
- (b) by striking out the words “twenty-six pounds” in paragraph (b) of subsection (1) thereof and inserting in lieu thereof the words “fifty-two pounds” ;
- (c) by inserting therein after subsection (2) thereof the following subsection—

(3) The amount of every pension in force on the first day of January, 1962, and payable to the widow of a contributor who dies before the first day of January, 1962, shall be increased by one-fifth.

Amendment of  
principal Act,  
s. 43.

**27.** Section 43 of the principal Act is amended—

- (a) by striking out the words “four-sevenths” in paragraph (a) thereof and inserting in lieu thereof the words “three-fifths” ;
- (b) by striking out the words “fifty-two pounds” in paragraph (a) thereof and inserting in lieu thereof the words “sixty-two pounds eight shillings” ;
- (c) by striking out the words “twenty-six pounds” in paragraph (b) thereof and inserting in lieu thereof the words “fifty-two pounds” ;
- (d) by adding at the end thereof the following subsection—

(7) The amount of every pension in force on the first day of January, 1962, and payable to the widow of a pensioner who retired on pension before the first day of January, 1962, shall be increased by one-fifth.

- 28.** Section 43a of the principal Act is amended—
- Amendment of  
principal Act,  
s. 43a.
- (a) by striking out the words “fifty-two” therein and inserting in lieu thereof the words “one hundred and four” ;
- (b) by striking out the word “widow” therein and inserting in lieu thereof the words “female whose husband is dead or divorced and”.
- 29.** Section 44 of the principal Act is amended by striking out the words “fifty-two pounds” therein and inserting in lieu thereof the words “one hundred and four pounds”.
- Amendment of  
principal Act,  
s. 44.
- 30.** Section 45 of the principal Act is amended—
- Amendment of  
principal Act,  
s. 45.
- (a) by inserting after the words “female contributor” therein the words “who does not leave any child of herself in respect of whom pension is payable under section 43a of this Act” ;
- (b) by striking out the words “less the actual amount of any pension received by such contributor under section 40 or 47 of this Act” therein.
- 31.** Section 45a of the principal Act is amended—
- Amendment of  
principal Act,  
s. 45a.
- (a) by striking out the word “male” in paragraph (a) of subsection (1) thereof ;
- (b) by striking out the words “but leaving one or more dependants who is not or are not so entitled” in the said paragraph (a) ;
- (c) by striking out all the words after the word “pay” in subsection (1) thereof and inserting in lieu thereof the words “the amount by which the said contributions exceed the said pension and benefits to the personal representative of the deceased pensioner or of the deceased widow of the contributor or pensioner or failing them to such person or persons as the Board determines” ;
- (d) by striking out subsection (2) thereof.
- 32.** Subsection (1) of section 49 of the principal Act is amended by striking out the words “fifty-two pounds” therein and inserting in lieu thereof the words “one hundred and four pounds”.
- Amendment of  
principal Act,  
s. 49.

Enactment of  
ss. 49c and  
49d of principal  
Act.

**33.** The following sections are inserted in the principal Act after section 49b thereof—

Increase of  
certain  
pensions.

49c. All pensions in force on the first day of January, 1962, which were increased by virtue of section 49b of this Act shall, as on and after the first day of January, 1962, be increased by one seventh in respect of all units of pension except the first ten units.

Increase of  
certain  
pensions.

49d. All pensions payable to contributors who retired on pension or attained the age of retirement on or after the first day of December, 1960 are as on and from the day on which such pensions became payable and until the thirty-first day of December, 1961, increased by one-seventh in respect of the first ten units of such pensions.

Increase of  
certain  
pensions.

49e. All pensions in force on the first day of January, 1962, and payable to contributors who retired on pension or attained the age of retirement on or after the first day of December, 1960, shall as on and after the first day of January, 1962, be increased by one-seventh.

Amendment of  
principal Act  
s. 50.

**34.** Subsection (1) of section 50 of the principal Act is amended—

(a) by striking out the second sentence thereof ;

(b) by inserting at the end thereof the following passage—

“In certifying the actuarial equivalent for the purposes of this section the actuary shall assume that contributions were paid by the contributor during the full period during which that contributor has been paid a pension under section 40 or section 47 of this Act.”

Amendment of  
principal Act  
s. 51.

**35.** (1) Subsection (1) of section 51 of the principal Act is amended—

(a) by striking out all the words after the word “Act” (first occurring) therein ;

(b) by inserting at the end thereof the following proviso—

“Provided that notwithstanding anything contained in this Act, if at the time of his resignation, discharge, or dismissal from the service the contributor was indebted to the Government or to the Fund for any moneys or had misappropriated any moneys or property the amount of contributions paid to the fund or any part thereof may be

applied by the Board in payment of the amount for which the contributor was indebted to the Government or to the Fund."

(2) Subsection (1a) of section 51 of the principal Act is amended by inserting therein after the word "service" (twice occurring) therein the words "or recreation" in both cases.

**36.** Section 59 of the principal Act is amended—

Amendment of  
principal Act,  
s. 59.

- (a) by striking out the words "one-half" therein and inserting in lieu thereof the words "three-fifths";
- (b) by striking out the words "one-unit" therein and inserting in lieu thereof the words "one and one-fifth units".

**37.** Subsection (2) of section 60 of the principal Act is amended by inserting therein after the word "service" at the end thereof the words "and the appropriate rate of contributions for the number of units of pension contributed for immediately before his retirement shall again become payable".

Amendment of  
principal Act,  
s. 60.

**38.** The following section is inserted in Part VI of the principal Act after section 75 thereof—

Enactment of  
principal Act,  
s. 75a.

75a. The Board may—

Cessation of  
deduction.

- (a) by notice in writing direct the Head of the department or employer to cease deductions pursuant to paragraph (a) of section 69 of this Act from the salary or wages of an employee whose name is specified on the notice and thereupon the department shall cease making those deductions;
- (b) refuse to accept from an employee any direct payment to the Fund pursuant to clause (b) of the same section.

In any such case there shall be paid to the employee concerned the whole amount lying to his credit in the Fund under this Part (both principal and interest).

**39.** Section 82 of the principal Act is amended by inserting therein after the word "contributions" the words "together with any interest charged thereon by the Board".

Amendment of  
principal Act,  
s. 82.

**40.** Section 83 of the principal Act is amended by inserting therein after paragraph (d1) thereof the following paragraph—

Amendment of  
principal Act,  
s. 83.

(d2) for prescribing additions to benefits payable under this Act or amounts by which contributions payable may be reduced.

Amendment of  
principal Act,  
schedules.

41. The principal Act is amended by adding at the end thereof the following schedules :—

#### SCHEDULE IX

#### RATES OF FORTNIGHTLY CONTRIBUTION TO BE PAID AS PROVIDED BY MALE MEMBERS, BASED ON A RETIRING AGE OF 65.

(The additional contribution required under section 21 is incorporated in the rates provided in this schedule.)

Age next Birthday at Entry.	First £104 Pension to Member ; £62 8s. to Widow ; £52 to each Child up to Age 16.		Subsequent Increments— £52 Pension to Member ; to Widow £31 4s.		Age next Birthday at Entry.	First £104 Pension to Member ; £62 8s. to Widow ; £52 to each Child up to Age 16		Subsequent Increments— £52 Pension to Member ; to Widow £31 4s.					
	£	s.	d.	£		s.	d.	£	s.	d.	£	s.	d.
16.....	0	3	5	0	1	6	41.....	0	11	2	0	5	3
17.....	0	3	7	0	1	7	42.....	0	11	10	0	5	7
18.....	0	3	9	0	1	8	43.....	0	12	6	0	6	0
19.....	0	3	11	0	1	9	44.....	0	13	3	0	6	4
20.....	0	4	1	0	1	10	45.....	0	14	1	0	6	9
21.....	0	4	3	1	1	11	46.....	0	15	0	0	7	3
22.....	0	4	6	0	2	0	47.....	0	16	1	0	7	9
23.....	0	4	8	0	2	1	48.....	0	17	3	0	8	4
24.....	0	4	10	0	2	2	49.....	0	18	6	0	9	0
25.....	0	5	1	0	2	4	50.....	1	0	0	0	9	9
26.....	0	5	4	0	2	5	51.....	1	1	8	0	10	7
27.....	0	5	7	0	2	6	52.....	1	3	7	0	11	7
28.....	0	5	10	0	2	8	53.....	1	5	9	0	12	8
29.....	0	6	1	0	2	10	54.....	1	8	5	0	14	0
30.....	0	6	5	0	2	11	55.....	1	11	8	0	15	7
31.....	0	6	8	0	3	1	56.....	1	15	6	0	17	6
32.....	0	7	0	0	3	3	57.....	2	0	0	0	19	9
33.....	0	7	4	0	3	5	58.....	2	6	1	1	2	9
34.....	0	7	9	0	3	7	59.....	2	14	3	1	6	11
35.....	0	8	2	0	3	10	60.....	3	5	8	1	12	7
36.....	0	8	7	0	4	0	61.....	4	3	1	2	1	3
37.....	0	9	0	0	4	3	62.....	5	12	9	2	16	1
38.....	0	9	6	0	4	6	63.....	8	5	10	4	2	8
39.....	0	10	1	0	4	9	64.....	16	17	1	8	7	11
40.....	0	10	7	0	5	0	65.....	16	19	1	8	8	11

## SCHEDULE X

RATES FOR FORTNIGHTLY CONTRIBUTION TO BE PAID AS PROVIDED BY  
FEMALE MEMBERS, BASED ON A RETIRING AGE OF 60.(The additional contribution required under section 21 is incorporated in the  
rates provided in this schedule.)

Age next Birthday at Entry.	First £104 Pension to Members.	Subsequent Increments— £52 Pension to Member.	Age next Birthday at Entry.	First £104 Pension to Members.	Subsequent Increments— £52 Pension to Member.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
16.....	0 3 6	0 1 8	39.....	0 13 8	0 6 9
17.....	0 3 9	0 1 9	40.....	0 14 6	0 7 2
18.....	0 4 0	0 1 11	41.....	0 15 6	0 7 8
19.....	0 4 3	0 2 0	42.....	0 16 8	0 8 3
20.....	0 4 6	0 2 2	43.....	0 17 11	0 8 10
21.....	0 4 9	0 2 3	44.....	0 19 3	0 9 6
22.....	0 5 1	0 2 5	45.....	1 0 10	0 10 4
23.....	0 5 5	0 2 7	46.....	1 2 7	0 11 2
24.....	0 5 10	0 2 10	47.....	1 4 8	0 12 3
25.....	0 6 2	0 3 0	48.....	1 7 1	0 13 5
26.....	0 6 7	0 3 2	49.....	1 9 11	0 14 10
27.....	0 7 0	0 3 5	50.....	1 13 4	0 16 7
28.....	0 7 5	0 3 7	51.....	1 17 6	0 18 8
29.....	0 7 9	0 3 9	52.....	2 2 9	1 1 3
30.....	0 8 2	0 4 0	53.....	2 9 6	1 4 8
31.....	0 8 8	0 4 3	54.....	2 18 6	1 9 2
32.....	0 9 1	0 4 5	55.....	3 11 2	1 15 6
33.....	0 9 7	0 4 8	56.....	4 10 5	2 5 1
34.....	0 10 2	0 5 0	57.....	6 3 3	3 1 6
35.....	0 10 9	0 5 3	58.....	9 14 0	4 16 11
36.....	0 11 5	0 5 7	59.....	18 11 2	9 5 6
37.....	0 12 1	0 5 11	60.....	18 15 2	9 7 6
38.....	0 12 10	0 6 4			

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

J. M. NAPIER, Governor's Deputy.