



ANNO DECIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1965

No. 59 of 1965

An Act to amend the Superannuation Act, 1926-1961.

[Assented to 23rd December, 1965.]

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, 1965".

(2) The Superannuation Act, 1926-1961, as amended by this Act, may be cited as the "Superannuation Act, 1926-1965".

(3) The Superannuation Act, 1926-1961, 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
principal Act,
s 2—
Division of
Act.

3. Section 2 of the principal Act is amended by inserting therein after the line "PART VI.—Voluntary Savings." the line "PART VIA.—Provisions Applicable on and after the first day of February, 1966".

Amendment of
principal Act,
s. 8—
Constitution
of Board.

4. Subsection (3) of section 8 of the principal Act is amended—

(a) by striking out the word "an" therein and inserting in lieu thereof the words "the Public";

(b) by striking out the word "competent" therein and inserting in lieu thereof the word "Public";

(c) by striking out the words "and willing" therein.

5. Subsection (3) of section 21 of the principal Act is amended by inserting after the words "annually the sum of five shillings" therein the words "until the thirty-first day of January, One thousand nine hundred and sixty-six and thereafter the sum of two cents per fortnight".

Amendment of
principal Act,
s. 21—
Cost of
management.

6. The following section is inserted in the principal Act after section 26f thereof :—

Enactment of
s. 26g of
principal Act—

26g. Notwithstanding any provision of this Act, a female contributor who marries and does not cease to be a contributor shall, notwithstanding that she may thereafter be employed by the Government of the State in a permanent or temporary capacity, continue to be a contributor unless, within two months after her marriage, she elects to cease to be a contributor. If she does so elect she shall thereupon cease to be a contributor and there shall be paid to her a sum equal to the actual amount of the contributions paid by her to the Fund.

Provision
for female
contributors on
marriage.

7. The following section is inserted in Part VI of the principal Act immediately after section 75a thereof :—

Enactment of
s. 75b of
principal Act—

75b. In this Part "employee" includes a subscriber or person entitled to subscribe to the Police Pension Fund.

Interpretation

8. The following heading and sections are inserted in the principal Act immediately before Part VII thereof :—

Enactment of
Part VIA of
principal Act—

PART VIA.

PROVISIONS APPLICABLE ON AND AFTER THE FIRST DAY OF FEBRUARY, 1966.

75c. Notwithstanding anything in this Act or the regulations thereunder contained, the following provisions shall, on and after the first day of February, One thousand nine hundred and sixty-six, apply and have effect :—

Provisions
applicable after
1st February
1966.

(1) Every pension payable after the thirty-first day of January, One thousand nine hundred and sixty-six shall be payable fortnightly. Where a pension has been approved at an annual rate the amount of each fortnightly payment of pension shall be one twenty-sixth of that annual rate.

(2) On the death of a male contributor before retirement pension shall be paid to his widow as follows :—

(a) during her own life thirteen-twentieths of the pension for which her husband was contributing at the time of his death :
Provided that if she remarries her pension under this paragraph shall thereupon cease and determine ; and

(b) in respect of each of her or the contributor's children (except children of her remarriage) who are under the age of sixteen years, a pension at the rate of eight dollars per fortnight until the age of sixteen years has been attained.

(3) If any pension payable to any widow under paragraph (a) of subsection (2) ceases and determines upon her remarriage, and if she subsequently again becomes a widow, the pension payable to her before her remarriage shall again be payable to her whilst she remains a widow : 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 or retirement 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.

(4) The amount of every pension in force on the first day of February, One thousand nine hundred and sixty-six and payable to the widow of a contributor who died before that day shall be increased to thirteen-twentieths of the pension for which her husband was contributing at the time of his death.

(5) On the death of a male pensioner, pension shall be paid to his widow as follows :—

(a) during her own life, thirteen-twentieths of the pension payable to her husband at the time of his death, or pension at the rate of five dollars and twenty cents per fortnight whichever is the greater :

Provided that if she remarries, her pension under this paragraph shall thereupon cease and determine ; and

(b) in respect of each of her or the pensioner's children (except children of her remarriage) who are under the age of sixteen years, a pension at the rate of eight dollars per fortnight until the age of sixteen years has been attained :

Provided that where a pensioner marries after his retirement from the service, pension shall not, upon the death of the pensioner, be payable to the widow or in respect of the children of that marriage.

(6) If any pension payable to any widow under paragraph (a) of subsection (5) ceases and determines upon her remarriage, and if she subsequently again becomes a widow, the pension payable to her before her remarriage shall again be payable to her whilst she remains a widow : 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 or retirement contributing for a pension greater than that of the first husband her pension shall be based upon that for which the second husband was contributing.

(7) The amount of every pension in force on the first day of February, One thousand nine hundred and sixty-six and payable to the widow of a pensioner who retired on pension before that day shall be increased to thirteen-twentieths of the rate of the pension for which that pensioner had contributed.

(8) In respect of every pensioner who ceased to be a contributor before the thirty-first day of January, One thousand nine hundred and sixty-six and who is receiving a pension on that day and in respect of whose pension the contribution by the Government to the Fund is less than seventy per centum of such pension, the contribution by the Government to the Fund shall after the said thirty-first day of January, One thousand nine hundred and sixty-six be an amount equal to seventy per centum of such pension and the difference between the total of the contributions made by the Government before and after the said thirty-first day of January, One thousand nine hundred and sixty-six shall be paid thereafter to the pensioner in addition to his pension. Such difference shall not be deemed to be part of the pension of the pensioner for the purpose of determining any pension payable to his widow upon his death.

(9)—

(a) As soon as practicable after the thirty-first day of January, One thousand nine hundred and sixty-six, the Board shall determine for each contributor who at that date was making contributions in respect of a proportion greater than thirty per centum of the pension for all the units for which he was contributing on that day the proportion in excess of thirty per centum for which he was so contributing.

- (b) The contributions payable after the thirty-first day of January, One thousand nine hundred and sixty-six by each such contributor in respect of units of pension for which that contributor was contributing on that day shall be reduced by the same proportion as the proportion of pension in excess of thirty per centum for which he was contributing bears to the actual proportion for which he was contributing.
- (c) In respect of each such contributor the Board shall determine the amount by which all the contributions of such contributor made up to the thirty-first day of January, One thousand nine hundred and sixty-six exceed the amount which he would have contributed if his contributions had been reduced by the same proportion as the proportion of pension in excess of thirty per centum for which he was contributing bears to the actual proportion for which he was contributing.
- (d) Any amount determined by the Board under paragraph (c) of this subsection shall be credited by the Board to a retirement benefit account in the name of the contributor or employee concerned. The Board shall credit the amount standing in credit from time to time with interest compounded annually on the 30th day of June in each year and calculated from the first day of February, One thousand nine hundred and sixty-six at the rate fixed by the Board pursuant to section 71.
- (e) Any contributor or employee whose account has been credited with any amount under paragraph (d) of this subsection may at any time irrevocably authorize the Board to debit the amount so standing in credit with his fortnightly contributions to the Fund until the amount is insufficient to meet any such contributions: Provided that if the balance standing in credit to any contributor or employee is less than twenty-five pounds the Board shall apply the same to such contributions.

- (f) Any amount so standing to the credit of an employee shall upon his ceasing to be a contributor be paid to him or upon his death to his personal representative.
- (g) The provisions of paragraphs (a), (c), (d) and (f) of this subsection shall apply to every employee who had ceased to pay contributions for any units on or before the thirty-first day of January, One thousand nine hundred and sixty-six but who was not entitled to receive a pension before the first day of February, One thousand nine hundred and sixty-six.
- (10)—
- (a) On and after the first day of February, One thousand nine hundred and sixty-six the rate of contribution for each reserve unit of pension shall be in accordance with the Schedules XI and XII to this Act.
- (b) The said rates of contribution for a reserve unit shall be deemed to have been payable as from the day when the contributor first commenced to contribute for that unit; and any excess of contributions paid by the contributor for that unit together with interest thereon at the rates determined by the Board pursuant to section 28d of this Act shall be paid to the contributor.
- (11) The units of pension appropriate to the salary of an employee shall be in accordance with the following scale :—

Scale of Units of Pension.

Column One. Salary of Employee.	Column Two. Appropriate Number of Units of Pension.
Not exceeding \$1,025 ..	14
Exceeding \$1,025 but not exceeding \$2,600	14 plus 1 unit for each complete \$75 in excess of \$1,025
Exceeding \$2,600	35 plus 1 unit for each complete \$125 in excess of \$2,600 or 1 unit for each complete \$104 of total annual salary, whichever is the greater

Provided that no person who elects to contribute shall contribute for less than four units and no employee described in paragraphs (a) and (b) of subsection (1) of section 24b shall contribute for less than eight units.

(12) Every person who is a contributor to the Fund on the first day of February, One thousand nine hundred and sixty-six shall, subject to this Act, continue to contribute for the units for which he is contributing on that day.

(13) A contributor who on the thirty-first day of January, One thousand nine hundred and sixty-six is contributing for the maximum number of units appropriate to his salary in accordance with the scale of salaries and units of pension set out in section 24 and who becomes entitled to contribute for a greater number of units pursuant to the Superannuation Act Amendment Act, 1965, may not later than the thirty-first day of March, One thousand nine hundred and sixty-six, elect to contribute for all or some of the additional units for which he so becomes entitled to contribute: Provided that if no such election is made 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. Contributions for any additional units for which a contributor elects to contribute shall be payable as from the first day of the first fortnightly pay period in the month next following the month in which the election is made.

(14) On and after the first day of February, One thousand nine hundred and sixty-six the unit of pension shall be the sum of two dollars per fortnight.

(15) On and after the first day of February, One thousand nine hundred and sixty-six—

(a) every unit of pension of fifty-two pounds per annum shall be deemed to be two units each of the sum of two dollars per fortnight;

(b) every unit of pension of five-sevenths of fifty-two pounds shall be deemed to be one and three-sevenths units each of the sum of two dollars per fortnight;

(c) every unit of pension of six-sevenths of fifty-two pounds shall be deemed to be one and five-sevenths units each of the sum of two dollars per fortnight.

(16) Any contributor who on the thirty-first day of January, One thousand nine hundred and sixty-six is contributing for a number of units which by virtue of subsection (15) of this section are deemed to comprise a fraction of a unit may at any time elect to contribute for a further fraction of a unit so that he shall thereafter contribute for a number of whole units and shall so contribute before being entitled to contribute for a further number of units. The rate of contribution for a fraction of a unit shall be that same fraction of the contribution payable in respect of a whole unit.

(17)—

(a) Except as otherwise provided in this Act and subject to paragraph (b) of this subsection the contributions for every unit of pension for which a contributor or employee commences to contribute on or after the first day of February, One thousand nine hundred and sixty-six, shall be in accordance with the Schedules XI and XII to this Act.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, where an employee who has not previously made an election not to contribute to the Fund first commences to contribute after having reached the age of forty-five years and so commences not less than ten years before the age of retirement, the contributions for the first fourteen units of pension for which he contributes upon such commencement shall (except as to the amount referred to in subsection (3) of section 21) be reduced as follows :—

(a) where the employee's age at his next birthday when commencing to contribute is 46 years, by $1/30$ th.

(b) where the employee's age at his next birthday when commencing to contribute is 47 years, by $1/15$ th.

(c) where the employee's age at his next birthday when commencing to contribute is 48 years, by $1/10$ th.

(d) where the employee's age at his next birthday when commencing to contribute is 49 years, by $2/15$ ths.

- (e) where the employee's age at his next birthday when commencing to contribute is 50 years or over, by 1/6th.

(18) Until the fourteenth day of February, One thousand nine hundred and sixty-six any reference in this Act to an amount in dollars, dollars and cents or cents, shall be read and construed as a reference to a corresponding amount of pounds, pounds and shillings, pounds, shillings and pence, pounds and pence, shillings, shillings and pence, or pence (as the case requires) calculated on the basis that one dollar is the equivalent of ten shillings and one cent is the equivalent of one and one-fifth pence: Provided that until the said day all calculations of fortnightly contributions and pensions shall be made to the nearest penny and after the said day all calculations of fortnightly contributions and pensions shall be made to the nearest cent.

Amendment of
principal Act,
s. 83—
Regulations.

9. Section 83 of the principal Act is amended—

- (a) by inserting after the word "reduced" in paragraph (d2) thereof the words "or amounts which may with the approval of the Treasurer on the recommendation of the Board be paid out of the Fund to contributors or pensioners after the completion of each investigation into the state and sufficiency of the Fund after the first day of February, One thousand nine hundred and sixty-six ;

- (b) by inserting therein after paragraph (d2) thereof the following paragraph :—

(d3) for prescribing the rate of conversion into Australian currency of a salary payable in a currency other than Australian currency for the purposes of determining the number of units of pension for which a person receiving such salary may contribute.

Amendment of
principal Act
schedules.

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

SCHEDULE XI.

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 \$8 Fortnightly Pension to Member : \$5.20 to Widow : \$8 to Each Child to Age 16.	Subsequent Increments \$2 Fortnightly Pension to Member : \$1.30 to Widow.
	\$	\$
16	0.28	0.06
17	0.29	0.06
18	0.30	0.07
19	0.31	0.07
20	0.33	0.07
21	0.34	0.08
22	0.36	0.08
23	0.38	0.08
24	0.40	0.09
25	0.42	0.09
26	0.44	0.10
27	0.46	0.11
28	0.48	0.11
29	0.50	0.12
30	0.52	0.12
31	0.55	0.13
32	0.58	0.14
33	0.61	0.14
34	0.64	0.15
35	0.67	0.16
36	0.71	0.17
37	0.75	0.18
38	0.79	0.19
39	0.84	0.20
40	0.89	0.21
41	0.94	0.22
42	1.00	0.24
43	1.06	0.25
44	1.13	0.27
45	1.21	0.29
46	1.29	0.31
47	1.39	0.33
48	1.49	0.36
49	1.60	0.39

SCHEDULE XI—*continued.*

Age Next Birthday at Entry.	First \$8 Fortnightly Pension to Member : \$5.20 to Widow : \$8 to Each Child to Age 16.	Subsequent Increments \$2 Fortnightly Pension to Member : \$1.30 to Widow.
	\$	\$
50	1.73	0.42
51	1.88	0.46
52	2.05	0.50
53	2.26	0.55
54	2.49	0.61
55	2.78	0.68
56	3.12	0.77
57	3.55	0.88
58	4.10	1.02
59	4.83	1.20
60	5.85	1.45
61	7.37	1.83
62	9.92	2.47
63	15.04	3.74
64	30.61	7.62
65	30.97	7.71

SCHEDULE XII.

RATES OF 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 \$8 Fortnightly Pension to Member.	Subsequent Increments \$2 Fortnightly Pension to Member.
	\$	\$
16	0.26	0.06
17	0.28	0.07
18	0.30	0.07
19	0.33	0.08
20	0.35	0.08
21	0.38	0.09
22	0.40	0.09
23	0.42	0.10
24	0.45	0.11
25	0.48	0.11
26	0.50	0.12
27	0.53	0.13
28	0.56	0.13
29	0.59	0.14
30	0.62	0.15
31	0.66	0.16
32	0.70	0.17
33	0.74	0.18
34	0.79	0.19
35	0.84	0.20
36	0.89	0.22
37	0.94	0.23
38	1.01	0.25
39	1.08	0.27
40	1.16	0.29
41	1.25	0.31
42	1.33	0.33
43	1.44	0.36
44	1.56	0.39
45	1.70	0.42
46	1.85	0.46
47	2.02	0.50

SCHEDULE XII—*continued.*

Age Next Birthday at Entry.	First \$8 Fortnightly Pension to Member.	Subsequent Increments \$2 Fortnightly Pension to Member.
	\$	\$
48	2.23	0.55
49	2.48	0.62
50	2.78	0.69
51	3.14	0.78
52	3.59	0.89
53	4.17	1.04
54	4.94	1.24
55	6.02	1.50
56	7.65	1.91
57	10.34	2.58
58	15.75	3.93
59	32.23	8.05
60	32.98	8.24

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

EDRIC BASTYAN, Governor.