

Exemption.

“ 73A If it appears to the Law Society that except in unusual circumstances the balance of a firm’s trust account has not in the first six months or the second six months of any year exceeded three thousand dollars, the Law Society may give that firm a certificate of exemption from this Part in respect of the next succeeding six months, and this Part shall not apply to that firm accordingly.

Rules.

“ 73B The Law Society may, with the approval of the Attorney-General, make rules for the purposes of this Part and in particular may—

- (a) regulate the procedure in connection with—
 - (i) payments into and out of trust deposit accounts; and
 - (ii) drawing on the Trust under section sixty-nine;
- (b) regulate the opening and keeping of trust deposit accounts and provide for firms to be informed of the state of such of them as concern only themselves; and
- (c) regulate the Trust’s system of accounts.

Secrecy.

“ 73c A member, auditor, officer, clerk, or servant of the Trust shall not, except in the course of duty, disclose any information about the amounts in an individual firm’s trust account or from which any such amount could be calculated or inferred.

Penalty: Five hundred dollars.”

SUPERANNUATION (No. 2).

No. 73 of 1970.

AN ACT to amend the *Superannuation Act 1938*
and the *Superannuation Act (No. 2) 1968.*

[23 December 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Superannuation Act (No. 2) 1970.*

(2) The *Superannuation Act 1938*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Sections three, five, six, eight, nine, ten, eleven, twelve, and fourteen of this Act shall commence on the first day of July 1971, section four of this Act shall commence on the first day of April 1972, and the remaining sections of this Act shall commence on the day on which the Governor assents to this Act.

2—(1) Section six of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:— Quinquennial investigation of the Fund.

“(1) An investigation as to the state and sufficiency of the Fund shall be made as at the thirtieth day of June 1971 and as at the expiration of each succeeding period of three years thereafter.”.

(2) The first investigation made in pursuance of section six of the Principal Act (as amended by this section) shall be deemed to be sufficient compliance with any obligation arising by virtue of the operation of that section (as in force immediately before the commencement of this section) to make such an investigation during the year 1969.

3 Section seven of the Principal Act is amended by inserting in subsection (5), after the word “State”, the words “(not being an officer employed in the Superannuation Branch of the Treasury)”. Constitution of the Board.

4 Section twelve of the Principal Act is amended—

(a) by omitting the word “or” occurring after paragraph (c); and Vacation of office.

(b) by adding at the end of that section the following word and paragraph:—

“; or
“(e) if he ceases to be a contributor.”.

5 Section thirteen of the Principal Act is amended by adding at the end of that section the following subsection:— Appointment of officers.

“(3) The person for the time being holding office as the Manager of the Superannuation Branch of the Treasury or, during his absence or inability to act, the person holding office as the Assistant Manager of that Branch, shall act as the secretary of the Board and may hold office as the secretary thereof in conjunction with his office as Manager or Assistant Manager of that Branch.”.

6 Section seventeen of the Principal Act is repealed and the following section is substituted therefor:—

“17—(1) The Board shall, not later than four months after the end of each financial year, prepare and submit to the Minister a report on the exercise by the Board of its functions under this Act during that financial year. Annual report.

“(2) A report under this section—

(a) shall include a report by the Board on the nature and state of the investments made by it pursuant to section five; and

- (b) shall be accompanied by, or have incorporated with it, a copy of the financial statements prepared by the Board in relation to the period to which the report relates.

“(3) The Minister shall cause a copy of a report under this section to be laid on the table of each House of Parliament within the first ten sitting days of the House after he receives the report.”.

7 After section thirty-eight C of the Principal Act the following section is inserted:—

Saving of operation of section 70.

“38CA Nothing in section thirty-eight A, section thirty-eight B, or section thirty-eight C affects the operation of section seventy.”.

8 After section thirty-eight F of the Principal Act the following Division is inserted:—

“*Division IIIB—Adjustment of pensions.*”

Interpretation.

“38G In this Division, unless the contrary intention appears—

- ‘basic rate’, in relation to a pension, means the rate at which the pension was payable when it came into force;
- ‘Index’ means the table described as the Consumer Price Index Numbers—All Groups, Hobart that is published by the Commonwealth Statistician under the authority of the *Census and Statistics Act 1905-1967* of the Commonwealth;
- ‘pay-day’ means a day on which a fortnightly instalment of a pension is payable pursuant to section thirty-nine A.

Annual adjustment of pensions.

“38H—(1) Subject to this section, a pension under this Act shall be adjusted by the Board in each year in accordance with this section.

“(2) The Government Statistician shall, as soon as is practicable after the thirtieth day of September in each year, give to the Treasurer a notice specifying the percentage by which the Index for the quarter ended on that day is greater or less than the Index for the same quarter in the immediately preceding year.

“(3) On receipt of a notice under subsection (2) of this section, the Treasurer shall, by order—

- (a) declare the percentage by which pensions shall be adjusted (whether by way of increase or decrease) in respect of the year commencing on the first day of January next after the quarter first-mentioned in that subsection; or
- (b) if, by reason of the operation of subsection (8) of this section, no adjustment is to be made in respect of that year, declare that pensions shall not be adjusted in respect of that year.

“(4) A percentage declared under paragraph (a) of subsection (3) of this section in respect of any year shall be the same as the percentage specified in the notice given to the Treasurer under subsection (2) of this section.

“(5) An adjustment of a pension in respect of any year made under this section shall be made—

- (a) by increasing, or as the case may require, by decreasing, the rate at which, immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that year under subsection (3) of this section; and
- (b) so as to operate from and including the first pay-day occurring after the first day of January in that year.

“(6) The following provisions apply to and in relation to the first adjustment of a pension pursuant to this section if at the time when that adjustment is to be made the pension has been in force for less than twelve months, namely:—

- (a) In the case of a pension that comes into force after the thirtieth day of September in any year, the first adjustment of that pension shall be made so as to operate from the first pay-day in the month of January in the second year after the year in which the pension comes into force;
- (b) In the case of a pension that comes into force on or before the thirtieth day of September in any year, the first adjustment of that pension shall be made so as to operate from the first pay-day in the month of January immediately following that day; and
- (c) The annual amount by which such a pension is to be increased or decreased shall be calculated in accordance with the prescribed formula.

“(7) For the purposes of paragraph (c) of subsection (6) of this section, the prescribed formula is the formula—

$$P = A \times \frac{B}{12},$$

where—

- P represents the annual amount referred to in that paragraph;
- A represents the amount by which, but for the operation of that subsection, the pension would have been increased or decreased; and
- B represents the number of whole months from the day on which the pension came into force until the following thirtieth day of September (both days inclusive).

“(8) Except as provided in subsection (9) of this section, where the percentage specified in a notice under subsection (2) of this section in respect of any year is less than one per cent no adjustment of pensions shall be made in respect of that year.

“(9) Where each of the percentages specified in a notice under subsection (2) of this section in respect of any two or more successive years is less than one per cent but those percentages are, in the aggregate, equal to, or greater than, one per cent (whether by way

of increase or decrease), pensions shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

“(10) Nothing in this section requires the rate of a pension to be decreased below the basic rate and if, by reason of the making of an adjustment under this section, the rate of a pension would be so decreased, that pension shall, until it is next increased to a rate exceeding the basic rate by reason of the making of such an adjustment, be deemed to be payable at the basic rate.

“(11) Where—

(a) by reason solely of the operation of subsection (10) of this section, a pension is being paid at the basic rate; and

(b) an adjustment, by way of increase, is required to be made to the rate of that pension in respect of any year,

that adjustment shall be made as if, immediately before the making of the adjustment, the pension were payable at the rate at which, but for the operation of that subsection, it would have been payable.

“(12) This section applies to a pension that is in force, or for which a person is eligible, on the day on which this section commences and also to a pension that comes into force, or for which a person becomes eligible, on any later day.

“38J—(1) Notwithstanding any other provision of this Act, where by reason of an adjustment made pursuant to this Division the rate of a pension is increased—

(a) the Treasurer; or

(b) if immediately before the retirement or death of the person to whom or to whose widow the pension is payable that person's salary was paid by a State instrumentality or authority and not from the Consolidated Revenue, that instrumentality or authority,

shall pay to the Fund such amount as bears the same proportion to the total amount by which the rate of the pension is so increased as the employer's share of the pension bears to the total amount of the pension.

“(2) For the purposes of this section, the employer's share of a pension is such proportion of the total annual amount of the pension as is certified by the Board to be equivalent to the annual contribution (as at the time when the pension is adjusted) that is payable to the Fund in relation to that pension pursuant to section twenty-six by the Treasurer or by the relevant State instrumentality or authority.”.

9 After section fifty-seven of the Principal Act the following section is inserted in Part VIII:—

“57A—(1) Subject to subsection (2) of this section, the provisions of sections fifty-five, fifty-six, and fifty-seven shall cease to have effect on the first day of July 1971 (in this section referred to as ‘the appointed day’).

Cost of
adjustment
of pensions:
How
defrayed.

Limitation of
operation of
sections 55,
56, and 57.

“(2) Where—

- (a) before the appointed day, an employee transferred a policy of insurance to the Board as provided in section fifty-five, the provisions of that section continue to apply to and in relation to that employee and that policy; and
- (b) immediately before the appointed day, moneys are standing to the credit of such an account as is mentioned in subsection (3) of section fifty-six in the name of an employee, the provisions of sections fifty-six and fifty-seven continue to apply to and in relation to that account, that employee, and any deposits or withdrawals made, or proposed to be made, by him,

as if this section had not commenced.”.

10 Section fifty-nine of the Principal Act is repealed.

Administra-
tion fee.

11 Section sixty-three of the Principal Act is amended by omitting subsections (1) and (2) and substituting therefor the following subsections:—

Re-employ-
ment of
employees
who have
retired.

“(1) If an invalidity pensioner—

- (a) is offered suitable permanent employment in the service of the State or of a State instrumentality or authority at a salary not less than three-quarters of the salary then appropriate to the grade or position that he held at the time when he became eligible for an invalidity pension;
- (b) accepts a permanent position as an employee at a lower salary; or
- (c) engages in—

- (i) employment otherwise than in the service of the State or of a State instrumentality or authority; or

- (ii) any business or occupation on his own account,

the Board may, if it thinks fit, cancel the pension payable to that pensioner or reduce the amount of that pension to an amount that, in its opinion, the circumstances of the case warrant, or may suspend that pension for such period, or until the happening of such event, as the Board determines.

“(2) If an invalidity pensioner accepts a temporary position in the service of the State or of a State instrumentality or authority, the Board may, if it thinks fit, reduce the amount of that pension to an amount that, in its opinion, the circumstances of the case warrant, or may suspend that pension for such period, or until the happening of such event, as the Board determines.

“(2A) Without affecting the operation of the provisions of subsections (1) and (2) of this section, where the Board is of the opinion, after such inquiry as it thinks necessary, that the health of an invalidity pensioner is so restored as to enable him to perform the duties of any position that is available to him and that he may be required to accept, the Board shall report to the Minister accordingly.

“(2B) Notwithstanding anything contained elsewhere in this Act, where an invalidity pensioner is reappointed to a position in the service of the State or of a State instrumentality or authority on probation—

- (a) he is not obliged to contribute to the Fund during his period of probation, or during the period of six months next after the date on which he is so reappointed, whichever is the shorter period; and
- (b) if at the end of his period of probation or during that period of six months he is again retired or permitted to retire on the ground of invalidity, he is entitled to be paid a pension calculated at the same rate as the rate at which the invalidity pension that he was receiving immediately before his reappointment would have been payable if he had not been reappointed.”.

Returns.

12 Section sixty-seven of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsection:—

“(3) An employee or a pensioner who fails to comply with a requirement of the Board under subsection (2) of this section is guilty of an offence and is liable to a penalty of twenty dollars unless he proves that he had reasonable excuse for the failure; and, in addition, the Board may, in the case of a pensioner, suspend his pension until such time as the Board’s requirement is complied with to its satisfaction, and thereupon the pension ceases to be payable in respect of the period of the suspension.”.

Discretionary powers of Board.

13 Section seventy of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “employee” (wherever occurring) and substituting therefor, in each case, the word “person”; and
- (b) by omitting from that subsection the words “by effluxion of time,”.

14 After section seventy-one of the Principal Act the following section is inserted:—

Rates or amounts of pensions, &c., to be rounded off.

“72 Where the rate or amount of a pension under this Act, when expressed in dollars and cents, leaves a number of cents remaining that is less than ten cents or a multiple of ten cents, the Board shall round off that rate or amount as prescribed, and the pension is payable in terms of that rate or amount as so rounded off.”.

The third schedule.

15 The third schedule to the Principal Act is amended—

- (a) by inserting therein, before the item “The Director of Adult Education.”, the following item:—
“The Deputy Commissioner for Town and Country Planning.”; and
- (b) by inserting therein, after the item “The Director of Land Settlement.”, the following item:—
“The Director-General of Tourism.”.

16 Section five of the *Superannuation Act (No. 2) 1968* is amended by omitting from paragraph (a) of subsection (6) of that section the numerals "1970" and substituting therefor the numerals "1971".

Amendment of the *Superannuation Act (No. 2) 1963*.

17—(1) A pension that was payable under the Principal Act to a former contributor or the widow of a former contributor on the first day of January 1970 and a pension so payable to the widow of a former contributor to whom a pension was payable on that day under that Act shall be increased, on and after the first pay-day occurring after the first day of January 1971, by an amount equal to 2.6 per cent of the pension payable under that Act to the former contributor or widow on the thirty-first day of December 1970.

Adjustment of certain pensions.

(2) In this section, "pay-day" means a day on which a fortnightly payment of pension is payable pursuant to section thirty-nine A of the Principal Act.

18 For the purposes of section twenty-six of the Principal Act—

(a) the Treasurer; and

(b) every State instrumentality or authority by which the salary of a person to whom or to whose widow a pension to which this Act relates is payable was paid immediately before his retirement or death (not being a salary that was payable out of the Consolidated Revenue),

Treasurer, &c., to pay to the Fund the amounts necessary to give effect to the increased rates of pension.

shall pay to the Fund all such amounts as are necessary to give effect to the alterations to the rates of pensions made by section seventeen of this Act.

WORKERS' COMPENSATION.

No. 74 of 1970.

AN ACT to amend the *Workers' Compensation Act 1927*. [11 January 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Workers' Compensation Act 1970*.

Short title and citation.

(2) The *Workers' Compensation Act 1927*, as subsequently amended, is in this Act referred to as the Principal Act.