

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1929.

A BILL

To amend the law with respect to superannuation pensions and gratuities to persons employed by the State and certain other bodies; to provide that certain employees of the Crown shall receive certain superannuation benefits; to validate certain matters; to amend the Superannuation Act, 1916-1928, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the " Superannuation Short title.
(Amendment) Act, 1929."

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(2) The Superannuation Act, 1916-1928, is in Definition. this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Superannuation Acts, 1916-1929.

(4) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended as follows:—

Amendment of Act No. 28, 1916.

(a) (i) by inserting at the foot of the scale set out in section twelve the following words:—

Sec. 12.
(Scale of units.)

NOTE.—Broken pounds shall not be regarded.

(ii) by omitting from paragraph (b) of the same section the words "but he may elect" and by inserting at the end of the same paragraph the words "if he elects within three months to abandon the unit for which such increase entitles him to contribute.

Any unit so abandoned shall not be available to the employee on any subsequent increase of salary.

(iii) by inserting at the end of subparagraph (iv) of paragraph (c) of the proviso to the same section the following additional subparagraph:—

(v) the option conferred on employees by this paragraph shall also be exercisable by any person who—

(a) was employed on and since the first day of July, one thousand nine hundred and nineteen at hourly, daily, weekly, or fortnightly rates of pay, or as a second-class Sheriff's officer; and

(b) has been appointed at an annual rate of salary, between the thirtieth day of June, one thousand nine hundred and twenty, and a date three months after the commencement of the Superannuation (Amendment) Act, 1929; and

(c)

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(c) was of or over the age of thirty years on the first day of July, one thousand nine hundred and nineteen,

and may be so exercised within three months after the date of the commencement of the Superannuation (Amendment) Act, 1929, subject, however, to the following modification, that is to say—

(i) the rate at which he may elect to contribute for two or two and one-half or three or four units (according to his salary as set out in this section) shall be that prescribed for the age of forty; and

(ii) contributions shall be made as from the commencement of the Superannuation (Amendment) Act, 1929.

(iv) by omitting from paragraph (h) of the same section the word "month" and inserting in lieu thereof the words "pay period," and by adding at the end of the same paragraph the following new paragraph:—

(i) Any election for any additional unit shall take effect from the first day of the pay period during which the election is received by the Board.

(b) by omitting section thirteen and by inserting Sec. 13: in lieu thereof the following new section:—

13. Where the salary of a contributor is reduced, the number of units for which he is compelled to contribute shall be reduced accordingly, but he may within three months of the first payment at the reduced rate elect to continue to contribute in accordance with his rate of salary prior to the reduction, or for such Employee reduced in salary.

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such less number of units as he may elect in excess of the number applicable to his reduced rate of salary. In respect of any units so discontinued, he shall be entitled to a refund of his contributions, but no such refund shall be made of any contribution in respect of which an employee has received any pension benefit.

(c) (i) by omitting from subsection three of section sixteen the words "In the case of an employee over fifty-nine years of age at the commencement of this Act, twenty-four" and by inserting in lieu thereof the words "Where a person over fifty-nine years of age becomes a contributor or is required by or elects under this Act to contribute for an additional unit of pension twenty-six";

Sec. 16. (Contributions by employee.)

(ii) (a) by omitting from subsection four of the same section the words "In the case of a woman employee who at the commencement of this Act" and by inserting in lieu thereof the words "Where a woman who";

(b) by omitting from the same subsection the word "twenty-four" and by inserting in lieu thereof the words "becomes a contributor or is required by or elects under this Act to contribute for an additional unit of pension twenty-six";

(d) by inserting next after section twenty the following new section:—

New s. 20A.

20A. (1) Where on the transfer of an employee from the State to the Commonwealth the Commonwealth Government is by law liable to pay or has undertaken the payment to him of the pension for which he was contributing under this Act the Board may with the approval of the Governor transfer from the fund to the Commonwealth the amount contributed to the fund by and in respect of the employee.

Employee transferred to the Commonwealth. ✓

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(2) This section extends to transfers made before as well as after the commencement of the Superannuation (Amendment) Act, 1929.

3. The Principal Act is amended as follows :—

Further amendment of Act No. 28; 1916.

- (a) (i) by inserting next after subsection (1B) of section twenty-one the following new subsection :—

Sec. 21. New subsection added.

(1c) Any contributor under the Civil Service Act, 1884, who has served for at least thirty-five years with any one or more employers shall be entitled to elect to retire from the service of his employer upon or after reaching the age of fifty-five years on such rate of pension under the said Act as the Board's actuary may certify is the then present actuarial equivalent of his pension rights as at age sixty years ;

(Pension of man retiring before sixty.)

- (ii) by inserting at the end of the same section the following new subsection :—

(4) Any person who was by the terms of his employment required to give his whole time to the duties of his employment and who prior to the commencement of the Superannuation (Amendment) Act, 1929, was paid at an hourly, daily, weekly, or fortnightly rate, or by piece work and who within three months of such commencement is paid at an annual rate shall be entitled to have his employment at such hourly, daily, weekly, or fortnightly rate or at piece work counted as service for the purposes of this section.

Service.

- (b) by omitting from section twenty-three the word "or" where firstly occurring and by inserting in lieu thereof the word "and";

Sec 23. (Retrenchment.)

(c)

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- (c) by inserting at the end of subsection one of section twenty-eight the following words:—

Sec. 28.
(Pension of woman retiring before sixty.)

Any woman contributor who is also a contributor under the Civil Service Act of 1884 shall, on retirement before the age of sixty years, otherwise than on account of ill health or retrenchment, be entitled to such rate of pension under the said Act as the Board's actuary certifies is the then present actuarial equivalent of her pension rights as at the age of sixty years.

- (d) by inserting at the end of section thirty-four the following new subsection:—

Sec. 34.
(Pensions without contribution.)

(5) This section shall extend and be deemed always to have extended to a person employed by an employer and required by the terms of his employment to give his whole time to the duties of his employment, and paid at hourly, daily, weekly, or fortnightly rates, or by piece work;

- (e) by inserting next after section thirty-four the following new section:—

New s. 34A.
Certain employees over sixty.

34A. (1) An employee of the Government of New South Wales who, at the commencement of the Superannuation (Amendment) Act, 1929:—

- (a) is over the age of sixty years;
- (b) has served in a department or departments for periods aggregating in all twenty years at the least; and
- (c) is not entitled to any pension under the Civil Service Acts or this Act,

shall be entitled on retirement to a pension under this Act in accordance with salary as set out in section twelve, but not exceeding four

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four units or one hundred and four pounds per annum, without paying any contribution to the fund.

(2) Every such pension shall carry widows' and children's benefits as elsewhere in this Act provided.

(3) Where an employee becomes eligible under subsection one of this section to receive a pension upon retirement, but dies prior to his retirement, his widow and children shall become entitled to the widows' and children's benefits as elsewhere in this Act provided, as if the employee had retired upon a pension under this Act or upon account of his age, on the day immediately preceding the day of his death.

(4) Any pensions or benefits under this section shall be paid from the Consolidated Revenue Fund, but no pension or benefit shall be payable in respect of any period prior to the said commencement;

4. The Principal Act is amended as follows:—

Further amend-
ment of Act No.
28, 1916.

(a) by inserting at the end of section thirty-seven the following new subsections:—

Sec. 37.

(5) When any employee who has been retrenched and is in receipt of a pension thereafter enters the service of an employer he shall not be entitled to count his previous service as service for the purposes of any other pension or benefit.

(Retrench-
ment
benefits.) ✓

(6) Nothing in this section shall affect the provision of paragraph (c) of subsection two of section eleven.

(b) by inserting at the end of section thirty-eight the following new subsection:—

Sec. 38.
(Refund.)

(3) Nothing in this section shall affect the provisions of paragraph (c) of subsection two of section eleven.

(c)

- (c) by adding at the end of section sixty-one the following proviso:—

Sec. 61.
(Surrender of policies.) ✓

Provided that the board may at any time prior to the maturity of any such policy upon repayment of all moneys advanced for premiums together with interest thereon as hereinbefore provided hand same over to the employee;

- (d) by inserting after section seventy-five the following new section:—

New s. 75A. ✓

75A. (1) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done or commenced there was a vacancy in the office of any member.

Vacancy on Board not to invalidate proceedings.

(2) This section shall be deemed to have commenced on the commencement of this Act.

- (e) by inserting at the end of section eighty-five the following new subsection:—

Sec. 85.
(Settlement of disputes.)

(2) This section shall extend and shall as from the twelfth day of December, one thousand nine hundred and nineteen, be deemed to have extended to any dispute arising in the administration of any provision of any Act referred to in section 84A.

- (f) by inserting in section eighty-eight after the words "under this Act" the words "or the Civil Service Act, 1884," and by adding at the end of the same section the following proviso:—

Sec. 88.
(Assignment of pension.)

Provided that any pension or benefits payable under this Act shall not be affected in any way by reason of any claim or payment under the Workers' Compensation Act, 1926, being made by or to any contributor.

(g) ✓

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- (g) by omitting section ninety and by inserting in lieu thereof the following section :— Substituted s. 90.

90. The Board may enter into an agreement with any employer for the payment of such employer's contribution in respect of such of his employees as at the commencement of this Act were over thirty years of age by a series of payments, including interest, over a number of years, such agreement to be subject to readjustment after each quinquennial investigation. Equation of payments.

This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and nineteen.

- (h) by inserting at the end of section ninety-two the following proviso :— Sec. 92. (Extension of Act.)

Provided that the Governor on the recommendation of the Board may make such arrangements in regard to employees over the age of thirty years at the date of such notification as may be agreed to by such council, person, corporation, or board.

- (i) by inserting at the end of subsection one of section eleven the following proviso: " Provided further that if a person of or above the age of fifty years becomes a contributor by reason of the provisions of the Superannuation (Amendment) Act, 1928, or after the commencement of that Act enters the service of an employer as an employee, the Board may, on his application, exempt him from contributing to the fund. Where a person is so exempted neither he nor any other person claiming through him shall be entitled to any benefit under this Act." Sec. 11. (Contributions by employees.)

*see Act No 31/1930
53(a)*

5: (1) The Principal Act is further amended— Further amendment of Act No. 28, 1916.

- (a) by omitting from section fifteen the words "this Act" wherever occurring and by inserting in lieu thereof the words "the Superannuation (Amendment) Act, 1929"; Sec. 15. (Table of contributions.)

(b)

(b) by omitting Schedule One, and by inserting in Sch. I. lieu thereof the following new Schedule:—

SCHEDULES.

Sec. 15.

SCHEDULE I.

TABLE A.

MEN.

Retirement at Sixty.

Contributions—payable fortnightly.				Contributions—payable fortnightly.			
Age next birthday.	First £52 pension to man, £26 pension to widow, £13 for each child to age 16.	Subsequent increments, £52 pension to man, £26 pension to widow.	Age next birthday.	Age next birthday.	First £52 pension to man, £26 pension to widow, £13 for each child to age 16.	Subsequent increments, £52 pension to man, £26 pension to widow.	Age next birthday.
	£ s. d.	£ s. d.			£ s. d.	£ s. d.	
16	0 2 4	0 2 1	16	40	0 9 2	0 8 6	40
17	0 2 6	0 2 2	17	41	0 9 9	0 9 1	41
18	0 2 8	0 2 4	18	42	0 10 5	0 9 8	42
19	0 2 10	0 2 6	19	43	0 11 1	0 10 5	43
				44	0 11 11	0 11 3	44
20	0 3 0	0 2 8	20				
21	0 3 2	0 2 10	21				
22	0 3 4	0 3 0	22	45	0 12 10	0 12 2	45
23	0 3 7	0 3 2	23	46	0 13 11	0 13 3	46
24	0 3 10	0 3 5	24	47	0 15 2	0 14 6	47
				48	0 16 7	0 15 11	48
25	0 4 1	0 3 7	25	49	0 18 4	0 17 8	49
26	0 4 3	0 3 10	26				
27	0 4 6	0 4 0	27				
28	0 4 9	0 4 3	28	50	1 0 5	0 19 8	50
29	0 5 0	0 4 6	29	51	1 3 0	1 2 3	51
				52	1 6 1	1 5 4	52
30	0 5 4	0 4 9	30	53	1 10 0	1 9 2	53
31	0 5 7	0 5 0	31	54	1 15 3	1 14 4	54
32	0 5 11	0 5 4	32				
33	0 6 3	0 5 7	33				
34	0 6 7	0 5 11	34	55	2 2 5	2 1 5	55
				56	2 12 1	2 10 11	56
35	0 6 11	0 6 3	35	57	3 9 4	3 7 11	57
36	0 7 3	0 6 7	36	58	5 3 8	5 1 8	58
37	0 7 8	0 7 0	37	59	10 5 10	10 2 1	59
38	0 8 1	0 7 5	38				
39	0 8 7	0 7 11	39	60	10 6 9	10 3 1	60

TABLE B.

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TABLE B.
WOMEN.

Contributions for each £52 per annum—payable fortnightly.

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

(2) The collection of contributions since the first validation day of July, one thousand nine hundred and twenty, in accordance with Schedule One as inserted by this section, is hereby validated.

(3) The Principal Act is amended by inserting at Sch. III. the end of Schedule Three the following words:—"The (Employers.) Aborigines Protection Board."

(4)

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(4) The amendment made by subsection three of this section shall be deemed to have taken effect from the commencement of the Principal Act. (Retrospective effect of subsection three.)

6. The Superannuation (Amendment) Act, 1918, is amended— Amendment of Act No. 44, 1918.

(a) by inserting at the commencement of section three the following words :—“The Superannuation Act, 1916, is further amended by inserting next after section ninety-three the following new section :—94 ”; Sec. 3. (Incorporation.)

(b) by inserting at the end of the same section after the proviso inserted therein by the Superannuation (Amendment) Act, 1919, the following proviso :— (Re-employment of pensioners.)

“ Provided also that a person shall not be deemed to be employed within the meaning of this section and deprived of such allowance or any part thereof who is engaged by the State,

(a) in casual employment for a period not exceeding three months ;

(b) in part-time employment at remuneration not exceeding one half of the recognised salary for similar full-time employment.”

7. The Public Service Act, 1902, is amended as follows :— Amendment of Act No. 31, 1902.

(a) by inserting at the end of section seventy-one the following new subsection :— Sec. 71. (Gratuities.)

(2) Where a person who would, if his services had been dispensed with, become entitled to a gratuity under this section, dies in the Public Service after having attained the age of sixty years, the gratuity shall be paid to his personal representative ;

(b) by inserting next after subsection three of section seventy-three the following new subsection :— Sec. 73. (Refund of contributions.)

(4) Where a contributor to the Superannuation Account dies while in the Public Service

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Service after having attained the age of sixty years, there shall be paid to his personal representative an amount equal to the contributions paid by such contributor to the said account.
