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SCHEDULES

SUPERANNUATION ACT, 1974

being

Superannuation Act, 1974, No. 43 of 1974 [Assented to 11th April, 1974];

as amended by

Superannuation Act Amendment Act, 1974, No. 62 of 1974 [Assented to 26th September, 1974]¹.

An Act relating to superannuation benefits and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "Superannuation Act, 1974".
2. This Act shall come into operation on the first day of July, 1974.
3. This Act is arranged as follows:—

Short title.
As cited by 62,
1974, s. 1 (3).

Commence-
ment.

Arrangement of
Act.

PART I—PRELIMINARY

PART II—ADMINISTRATION

DIVISION I—THE FUND

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DIVISION III—THE TRUST

PART III—CONTRIBUTIONS

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PART IV—PENSIONS AND BENEFITS FOR CONTRIBUTORS

DIVISION I—ENTITLEMENT TO PENSION

DIVISION II—AMOUNT OF PENSION

DIVISION III—COMMUTATION OF PENSION

¹ For date of operation see Act No. 62 of 1974, s. 2.

DIVISION IV—CESSATION OF PENSION

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PART VI—ADJUSTMENT OF PENSIONS

DIVISION I—PENSIONERS UNDER REPEALED ACT

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PART VII—SPECIAL ACCOUNTS

DIVISION I—GENERAL

DIVISION II—PROVIDENT ACCOUNT

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PART VIII—THE TRIBUNAL

PART IX—MISCELLANEOUS

THE SCHEDULES.

Repeal and
savings.

4. (1) The Acts specified in the first schedule to this Act are repealed.

(2) Notwithstanding the repeal effected by subsection (1) of this section—

(a) all regulations made under the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and to have effect as if the necessary power to make them had been enacted by this Act;

and

(b) such regulations may be amended or revoked by regulations made under this Act.

(3) Except as expressly provided in this Act, the repeal effected by subsection (1) of this section shall not affect any rights accrued under the repealed Act or the effect of any election, exemption, determination, direction, certification, suspension or authorization made or granted under the repealed Act or of any condition attached to such election, exemption, determination, direction, certification, suspension or authorization.

(4) Where in any document or writing of any kind or in any other Act, rule or regulation or any other enactment a reference is made to the repealed Act or any provision thereof that reference shall, so far as it is applicable, be read as a reference to this Act or to the corresponding provision, if any, of this Act.

(5) The mention of particular matters in this section or in any other section of this Act shall not affect the general application of the Acts Interpretation Act, 1915-1972¹, to this Act, except to the extent that that Act is inconsistent with this Act.

¹ Now Acts Interpretation Act, 1915-1975.

5. In this Act, unless the contrary intention appears—

“accepted contributor” means a person—

(a) who was, pursuant to the repealed Act, accepted by the Board as a contributor to the Fund on or before the thirty-first day of March, 1974;

and

(b) who had not made any contributions to the Fund pursuant to that Act:

“actuary” means—

(a) a Fellow of the Institute of Actuaries (London);

(b) a Fellow or Associate of the Faculty of Actuaries (Edinburgh);

(c) a Fellow of the Institute of Actuaries of Australia and New Zealand;

or

(d) any person of whose actuarial knowledge and experience the Minister by notice in writing (which notice the Minister is hereby authorized to give) approves:

“adjusted contribution”—

(a) in relation to a repealed Act contributor who was immediately before the commencement of this Act contributing for retirement at age sixty-five, means an amount calculated by the Public Actuary as being an amount equal to the fortnightly contribution that, in respect of his contributed units, he would have been required to pay on the thirtieth day of June, 1974, if that day had been his payment day and if he had, with effect from that day, made an election under subsection (3) of section 55 of the repealed Act;

(b) in relation to a repealed Act contributor who was not required pursuant to that Act to make any further contributions to the Fund, means no amount;

(c) in relation to any other repealed Act contributor, means an amount equal to the fortnightly contribution paid on his prescribed payment day in respect of his contributed units;

(d) in relation to an accepted contributor who is a higher benefit contributor, means an amount ascertained by multiplying the full unit entitlement of that contributor on the thirty-first day of March, 1974, by the appropriate figure ascertained by reference to—

(i) the second schedule to this Act, if the contributor was pursuant to the repealed Act contributing for retirement at age fifty-five years;

or

(ii) the third schedule to this Act, in any other case,
and by reference to the date of birth of the contributor;

and

- (e) in relation to an accepted contributor who is a lower benefit contributor, half of the amount ascertained by reference to paragraph (d) of this definition that would be the adjusted contribution of that contributor if he were a higher benefit contributor,

but notwithstanding anything in this definition contained, in the case of—

- (f) a repealed Act contributor or an accepted contributor who being such a contributor for retirement at age fifty-five years and who, before the commencement of this Act, has attained the age of fifty-four years and six months, the adjusted contribution of that contributor shall be no amount;

and

- (g) a repealed Act contributor or an accepted contributor who being such a contributor for retirement at age sixty years and who, before the commencement of this Act, has attained the age of fifty-nine years and six months, the adjusted contribution of that contributor shall be no amount:

“adjusted contribution percentage” in relation to a repealed Act contributor or an accepted contributor means the adjusted contribution of that contributor expressed as a percentage, to two decimal places, of that contributor’s fortnightly salary on the thirty-first day of March, 1974:

“age of retirement” means—

- (a) in the case of a contributor who was immediately before the commencement of this Act contributing for retirement at age fifty-five years, fifty-five years;
- (b) in the case of a deceased contributor who died before the commencement of this Act, his age of retirement as defined for the purposes of the repealed Act;

and

- (c) in any other case, sixty years:

“child benefit” means a child benefit payable pursuant to Division II of Part V of this Act:

“commutable pension” means—

- (a) a fortnightly pension other than an invalid pension first payable to a contributor pensioner on or after the first day of January, 1973, and so payable immediately before the commencement of this Act;
- (b) a fortnightly pension other than an invalid pension or a retrenchment pension or a pension referred to in section 71 of this Act first payable to a contributor pensioner on or after the commencement of this Act;
- (c) a fortnightly pension payable to the widow of a deceased contributor or deceased pensioner pursuant to the repealed Act, first payable on or after the first day of January, 1973, being a widow who had attained the age of sixty years before the commencement of this Act or who attains the

age of sixty years on or after the commencement of this Act and so payable immediately before the commencement of this Act;

- (d) a fortnightly pension payable to the spouse of a deceased contributor or deceased pensioner, first payable on or after the commencement of this Act, being a spouse who has attained or attains the age of sixty years:

“contributed units” in relation to a repealed Act contributor means the number of units of pension other than reserve units of pension within the meaning of section 47 of the repealed Act for which that contributor was contributing on his prescribed payment day:

“contribution” means any contribution or payment to the Fund other than—

- (a) a payment made pursuant to Part VI of the Superannuation Act, 1926, as amended, Part V of the Superannuation Act, 1969, as amended, or a payment made to Voluntary Savings Account established under Division IV of Part VII of this Act;
- (b) any contribution for a reserve unit of pension that is, pursuant to section 104 of this Act, credited to the Retirement Benefit Account in the name of a contributor;
- (c) any contribution for a reserve unit in respect of which contributions were discontinued pursuant to section 49 of the repealed Act;

or

- (d) any contribution to the Fund made pursuant to section 58 of this Act:

“contribution adjustment day”—

- (a) in relation to a repealed Act contributor or an accepted contributor means the pay day of that contributor that occurs within the first superannuation fortnight that falls wholly in the month of July, 1974, and in each month of July thereafter;

and

- (b) in relation to any other contributor—

- (i) in the case of such a contributor who was accepted by the Board as a contributor under the repealed Act, after the thirty-first day of March, 1974, means the pay day of that contributor that occurs within the first superannuation fortnight that falls wholly in the month of July, 1974;

or

- (ii) in the case of any other such contributor means the pay day of that contributor that falls within the second superannuation fortnight that next follows

the day on which he was accepted by the Board as a contributor,

and in either case each pay day of the contributor that occurs within the first superannuation fortnight that falls wholly in each month of July thereafter:

“contribution months” in relation to a new contributor means the sum of—

- (a) the number of whole months that have elapsed during the period commencing on and including the day on which the contributor was accepted by the Board as a contributor and concluding on and including the day on which having attained the age of retirement he retires;
- (b) the number of contribution months purchased by the contributor pursuant to section 45 of this Act, during or in respect of that period;

and

- (c) the number of contribution months attributed to or deemed to be attributed to the contributor, pursuant to section 49 of this Act, during or in respect of that period,

and for the purposes of this definition, when a new contributor is accepted as a contributor on more than one occasion a reference to the period in paragraph (a) of this definition shall be read as a reference to the period commencing when he was last so accepted:

“contribution percentage” in relation to a repealed Act contributor or an accepted contributor—

- (a) whose adjusted contribution percentage is equal to or exceeds his standard percentage, means a percentage equal to his standard percentage;
- (b) whose adjusted contribution percentage is less than half his standard percentage means—

- (i) in relation to his salary determination day being the the thirty-first day of March, 1974, a percentage equal to half his standard percentage;

and

- (ii) in relation to subsequent salary determination days means the percentage referred to in subparagraph (i) of this paragraph plus a further one-half of one per centum for each salary determination day occurring after his first salary determination day but in no case exceeding his standard percentage;

and

- (c) whose adjusted contribution percentage is half or more of but less than his standard percentage, means—

- (i) in relation to his salary determination day being the thirty-first day of March, 1974, a percentage equal to his adjusted contribution percentage;

and

- (ii) in relation to subsequent salary determination days means the percentage referred to in subparagraph (i) of this paragraph plus a further one-half of one per centum for each salary determination day occurring after his first salary determination day but in no case exceeding his standard percentage:

“contribution salary”—

- (a) in relation to a contributor referred to in section 62 of this Act, means the fortnightly salary determined pursuant to that section in relation to that contributor;
- (b) in relation to a contributor referred to in section 64 of this Act, means the fortnightly salary of the contributor deemed to be payable to that contributor;
- (c) in relation to any other contributor, means the fortnightly salary of that contributor,

on the salary determination day in relation to which the expression is used:

“contributor” means a person who is a contributor to the Fund and includes a person who has been accepted by the Board as a contributor to the Fund whether or not that person has actually commenced making contributions to the Fund and whether or not that person is, pursuant to this Act, not required to make further contributions to the Fund:

“contributor pensioner” means a pensioner who immediately before he became such a pensioner was a contributor:

“declared scheme” means—

- (a) any scheme, fund or arrangement that was, immediately before the commencement of this Act, declared to be a declared scheme by proclamation under section 26 of the repealed Act;

or

- (b) any scheme, fund or arrangement for the time being declared to be a declared scheme by proclamation under section 8 of this Act:

“determination day”—

- (a) in relation to the pension payable to a contributor pensioner, means the pension vesting day of that pension;
- (b) in relation to the pension payable to a person who was the spouse of a deceased contributor, means the pension vesting day of that pension;

and

- (c) in relation to the pension payable to a person who was the spouse of a deceased contributor pensioner, means the pension vesting day of the pension of that deceased contributor pensioner:

“eligible child” means the child or adopted child—

- (a) of a deceased contributor or a deceased contributor pensioner;

or

(b) of the spouse of the deceased contributor or deceased contributor pensioner, not being a child—

(i) born of a pregnancy that commenced after the death of the contributor or contributor pensioner;

or

(ii) adopted after the death of the contributor or contributor pensioner,

who—

(c) has not attained the age of sixteen years;

or

(d) having attained that age, has not attained the age of twenty-five years and is in full time attendance at an educational institution recognized by the Board for the purposes of this Act:

“employee” means any person employed in a permanent capacity by the Government of South Australia, who is by the terms of his employment required to give his whole time to the duties of his employment, but does not include—

(a) any such person who is a Judge as defined for the purposes of the Judges’ Pensions Act, 1971-1972¹;

(b) any such person who is a member as defined for the purposes of the Police Pensions Act, 1971-1972²;

(c) any such person who is a contributor to any superannuation fund established under a law of the Commonwealth for persons employed by the Commonwealth;

(d) any such person who on or after the commencement of the Superannuation Act, 1969, first made or is or was first liable to make any contribution in respect of a declared scheme;

and

(e) any such person or person of a class declared by regulation not to be an employee for the purposes of this Act:

“employing authority” in relation to an employee or an employee of a class means the person or body whether corporate or unincorporate for the time being prescribed as being the employing authority in relation to that employee or employees of that class:

“excess contribution” in relation to a repealed Act contributor or an accepted contributor, means the amount, if any, by which his adjusted contribution exceeds an amount equal to his standard percentage of his contribution salary on the thirty-first day of March, 1974:

“excess unit addition” in relation to a pension payable to a repealed Act contributor—

(a) who is pursuant to this Act entitled to retire at age sixty, means an amount represented by three and one-third cents of pension a fortnight for each half year or part thereof that elapsed during the period commencing on and including the

¹ Now Judges’ Pensions Act, 1971-1974.

² Now Police Pensions Act, 1971-1973.

day that the contributor attained the age of thirty years and concluding on and including the thirtieth day of June, 1974, or two dollars, whichever is the lesser amount for each excess unit of that contributor;

or

- (b) who is pursuant to this Act entitled to retire at age fifty-five, means an amount represented by three and one-third cents of pension a fortnight for each half year or part thereof that elapsed during the period commencing on and including the day that the contributor attained the age of twenty-five years and concluding on and including the thirtieth day of June, 1974, or two dollars whichever is the lesser amount for each excess unit of that contributor:

“excess units” in relation to—

- (a) a repealed Act contributor, being a lower benefit contributor, means the number of units, if any, by which his contributed units exceed half his full unit entitlement on his prescribed entitlement day;

and

- (b) any other repealed Act contributor, means the number of units, if any, by which his contributed units exceed his full unit entitlement on his prescribed entitlement day:

“final salary” means an amount determined by reference to the following formula:—

$$A = \left\{ \frac{[N \times LS] + [(365 - N) \times FS]}{365} \right\}$$

where—

A = the amount to be determined expressed in dollars

N = the number of days that have elapsed during the period commencing on and including the day next succeeding the contributor's salary determination day next preceding the pension vesting day in relation to which the amount is to be determined and concluding on and including the day immediately preceding that pension vesting day

LS = the number of dollars expressed to two decimal places comprised in the fortnightly salary payable to the contributor in relation to whom the amount is to be determined on the day immediately preceding the pension vesting day

FS = the number of dollars expressed to two decimal places comprised in the fortnightly salary of the contributor on his salary determination day immediately preceding his pension vesting day,

and for the purposes of this definition—

- (a) where a contributor was not in receipt of salary in relation to a particular day or was in receipt of less than full salary on that day, the salary payable to that contributor means the

salary that would have been payable to the contributor on that day if he had been in receipt of full salary;

or

- (b) where the actual salary of a contributor referred to in section 64 of this Act on a particular day was less than the salary deemed pursuant to that section to be payable to the contributor on that day, the salary so deemed to be payable to that contributor on that day shall be the salary payable to that contributor on that day:

“fortnightly salary” in relation to a contributor means the salary of that contributor expressed as a fortnightly salary:

“full unit entitlement” in relation to a contributor or pensioner means the number of units of pension appropriate to the salary of that contributor or pensioner on the day in relation to which the expression is used calculated by reference to the following table:—

Annual salary of Contributor or Pensioner	Number of Units of Pension appropriate to Salary
Not exceeding \$1 025	14
Exceeding \$1 025 but not exceeding \$2 600	14 plus 1 unit for each \$75 in excess of \$1 025
Exceeding \$2 600	35 plus 1 unit for each \$125 in excess of \$2 600
	or
	1 unit for each \$87 of salary; whichever is the greater number:

“fund share reduction” in relation to a pension payable—

- (a) to a repealed Act contributor who was, immediately before the commencement of this Act, contributing for retirement at age sixty-five and who is on the commencement of this Act of or over the age of fifty-nine years and six months, means thirty per centum of the difference between a number of dollars equal to twice the number of his contributed units and the fortnightly pension that would have been payable to him, had this Act not been enacted, if he had retired on the first day of July, 1974, or so soon thereafter as he attained the age of sixty years, ascertained by reference to subsection (1) of section 61 of the repealed Act, in respect of a number of units of pension equal to the number of those contributed units;
- (b) to a repealed Act contributor who was, immediately before the commencement of this Act, contributing for retirement at age sixty or at age fifty-five and who is on the commencement of this Act of or over the age of fifty-nine years and six months or as the case may be fifty-four years and six months, means no amount;

or

- (c) to any other repealed Act contributor or to an accepted contributor means an amount ascertained by reference to the following formula:—

$$\text{FSR} = \frac{6 \times \text{EC}}{10 \times \text{A}}$$

where—

FSR = the fund share reduction expressed in dollars a fortnight

EC = the excess contributions of that contributor expressed in dollars

A = the appropriate figure ascertained by reference to—

- (i) the fourth schedule to this Act, if the contributor was pursuant to the repealed Act contributing for retirement at age fifty-five years;

or

- (ii) the fifth schedule to this Act, in any other case,

and by reference to the date of birth of the contributor:

“higher benefit contributor” means—

- (a) a contributor who has, pursuant to the Superannuation (Transitional Provisions) Act, 1974, elected or been deemed to have elected to be a higher benefit contributor;

or

- (b) a contributor who has pursuant to this Act elected to be a higher benefit contributor;

“invalid pensioner” means a pensioner who became entitled to his pension—

- (a) by virtue of having been retired in the circumstances referred to in paragraph (c) of subsection (1) of section 67 of this Act;

or

- (b) by virtue of section 65 of the repealed Act or section 40 of the Superannuation Act, 1926, as from time to time in force:

“lower benefit contributor” means—

- (a) a contributor who has, pursuant to the Superannuation (Transitional Provisions) Act, 1974, elected or been deemed to have elected, to be a lower benefit contributor;

or

- (b) a contributor who has pursuant to this Act elected to be a lower benefit contributor:

“member” in relation to the Board, means a member of the Board and includes the member who is the President of the Board and any deputy of a member of the Board while acting as such a deputy:

“minimum pension” in relation to an invalid pensioner or a deceased contributor means a fortnightly pension of an amount calculated by reference to the following formula:—

$$MP = 2(FU - NU)$$

where—

MP = the amount expressed in dollars

FU = the full unit entitlement of the pensioner or contributor on his prescribed entitlement day

NU = the number of neglected units, as defined for the purposes of the repealed Act, if any, of that pensioner or contributor on his prescribed entitlement day:

“neglected unit maintenance payment” in relation to a repealed Act contributor—

(a) who pursuant to the Superannuation (Transitional Provisions) Act, 1974, has elected to make his neglected unit maintenance payment by way of fortnightly payments, means a payment each fortnight of an amount determined by reference to the following formula:—

$$NUMP = \frac{(NUR \times A)}{2}$$

where—

NUMP = the neglected unit maintenance payment expressed in dollars

NUR = the neglected unit reduction of that contributor expressed in dollars

A = the appropriate figure ascertained by reference to—

(i) the sixth schedule to this Act, if the contributor was pursuant to the repealed Act contributing for retirement at age fifty-five years;

or

(ii) the seventh schedule to this Act, in any other case,

and by reference to the date of birth of the contributor;

or

(b) who, pursuant to section 56 of this Act, has elected to make his neglected unit maintenance payment by means of a lump sum, means the amount determined by the Public Actuary for the purposes of that section:

“neglected unit reduction” in relation to a pension payable to a repealed Act contributor or an accepted contributor—

(a) who is pursuant to this Act entitled to retire at age sixty, means an amount represented by three and one-third cents of pension a fortnight for each half year or part thereof that elapsed during the period commencing on and including the day that the contributor attained the age of thirty years, and

concluding on and including the thirtieth day of June, 1974, for each neglected unit or two dollars for each neglected unit whichever is the lesser amount;

or

- (b) who is pursuant to this Act entitled to retire at age fifty-five, means an amount represented by three and one-third cents of pension a fortnight for every half year or part thereof that elapsed during the period commencing on and including the day that the contributor attained the age of twenty-five years and concluding on and including the thirtieth day of June, 1974, for each neglected unit or two dollars for each neglected unit whichever is the lesser amount:

“neglected units” in relation—

- (a) to a repealed Act contributor—

- (i) being a higher benefit contributor, means the number of units, if any, by which his full unit entitlement calculated on his prescribed entitlement day exceeds his contributed units;

or

- (ii) being a lower benefit contributor, means the number of units, if any, by which half of his full unit entitlement on his prescribed entitlement day exceeds his contributed units;

and

- (b) to an accepted contributor who is on the commencement of this Act of or over the age of fifty-nine years and six months—

- (i) being a higher benefit contributor, means his full unit entitlement on the thirty-first day of March, 1974;

or

- (ii) being a lower benefit contributor, means half of his full unit entitlement on that day:

“new contributor” means—

- (a) a person who was accepted by the Board pursuant to the repealed Act as a contributor to the Fund after the thirty-first day of March, 1974;

or

- (b) a person who becomes a contributor to the Fund on or after the commencement of this Act:

“notional pension”—

- (a) in relation to a former contributor who is entitled to a pension, means the amount of fortnightly pension that would have been payable to that former contributor if on the day that he became entitled to that pension he had attained the age of retirement and had retired;

(b) in relation to a deceased contributor who had attained the age of retirement means, the amount of fortnightly pension that would have been payable to that deceased contributor if—

(i) he had retired on the day that he died;

and

(ii) he had been in receipt of a pension on the day in relation to which the expression is used;

(c) in relation to any other deceased contributor, means the amount of fortnightly pension that would have been payable to that deceased contributor if—

(i) he had on the day that he died, attained the age of retirement and retired;

and

(ii) he had been in receipt of a pension on the day in relation to which the expression is used;

and

(d) in relation to a deceased contributor pensioner, means the amount of fortnightly pension that would have been payable to that pensioner if he had been in receipt of a pension on the day in relation to which the expression is used,

and for the purposes of this definition—

(e) no regard shall be paid to any reduction of pension occasioned by commutation;

and

(f) where in relation to a pensioner or deceased contributor there is applicable a minimum pension and the amount of that minimum pension is greater than the amount of the notional pension derived by the application of this definition to that pensioner or deceased contributor the notional pension applicable to that pensioner or deceased contributor shall be the amount of that minimum pension:

“pension day” means the day on which a fortnightly payment of pension is usually made:

“pensioner” means a person who is in receipt of a pension under this Act:

“pension fortnight” means the period of fourteen days commencing on the twenty-first day of June, 1974, and each succeeding period of fourteen days occurring thereafter:

“pension maintenance payment” in relation to a repealed Act contributor or an accepted contributor—

(a) who pursuant to the Superannuation (Transitional Provisions) Act, 1974, has elected to make his pension maintenance payment by fortnightly payments, means a payment each fortnight of an amount determined by reference to the following formula:—

$$\text{PMP} = \frac{10 (\text{FSR} \times A)}{6}$$

where—

PMP = the pension maintenance payment expressed in dollars

FSR = the fund share reduction of that contributor expressed in dollars

A = the appropriate figure ascertained by reference to—

- (i) the eighth schedule to this Act, if the contributor was pursuant to the repealed Act contributing for retirement at age fifty-five years;

or

- (ii) the ninth schedule to this Act, in any other case,

and by reference to the date of birth of the contributor;

or

- (b) who, pursuant to section 57 of this Act has elected to make his pension maintenance payment by means of a lump sum means the amount determined by the Public Actuary for the purposes of that section:

“pension vesting day” in relation to a pension means the day on and from which that pension is payable whether that day occurred before, on or after the commencement of this Act:

“prescribed deduction” in relation to a commutable pension payable to a contributor pensioner means the number of dollars determined by the Public Actuary as being the number of whole dollars, if any, of that pension attributable to—

- (a) any sum—

- (i) contributed;

or

- (ii) in respect of which an arrangement has been entered into to contribute,

pursuant to section 62 of the repealed Act, after the fifteenth day of February, 1974;

- (b) any sum paid pursuant to section 37 of the repealed Act as a consequence of the permission of the Board granted after the fifteenth day of February, 1974;

- (c) any sum paid pursuant to section 45, section 56 or section 57 of this Act within the period of five years next preceding the pension vesting day of the commutable pension:

“prescribed entitlement day” in relation to a repealed Act contributor, means the entitlement day as defined for the purposes of the repealed Act of that contributor that immediately preceded his prescribed payment day:

“prescribed payment day” in relation to a repealed Act contributor—

- (a) in the case of a contributor whose entitlement day as defined for the purposes of the repealed Act was the thirty-first day

of October, means the pay day of that contributor that occurred within the first superannuation fortnight, as defined for the purposes of the repealed Act, that fell wholly within the month of January, 1973;

and

(b) in any other case means the pay day of that contributor that occurred within the first superannuation fortnight, as so defined, that fell wholly within the month of July, 1973:

“repealed Act contributor” means a contributor who was immediately before the commencement of this Act, a contributor as defined for the purposes of the repealed Act and who was making contributions to the Fund:

“retrenchment pensioner” means a pensioner who has become entitled to his pension by virtue of the compulsory termination of his services in the circumstances referred to in paragraph (d) of subsection (1) of section 67 of this Act:

“salary” means salary or wages and includes any allowance, including in the case of the Agent-General an expenses allowance, or fee received regularly as emoluments of office and any other remuneration or remuneration of a class or kind prescribed as being part of salary for the purposes of this Act but does not include any allowance or fee of a temporary or intermittent character or, except in the case of the Agent-General, expenses allowance and any other remuneration or remuneration of a class or kind prescribed as not being part of salary for the purposes of this Act:

“salary determination day”—

(a) in relation to a repealed Act contributor or an accepted contributor, means the thirty-first day of March, 1974, and each thirty-first day of March that occurs thereafter;

(b) in relation to any other contributor, means the day whether occurring before, on or after the commencement of this Act on which that contributor was accepted by the Board as a contributor to the Fund, and, in any case, each thirty-first day of March that occurs thereafter:

“spouse”—

(a) in relation to a contributor means a person who is lawfully married to that contributor;

and

(b) in relation to a contributor pensioner means a person who is lawfully married to that pensioner and was so lawfully married to that pensioner when that pensioner was a contributor:

“standard pension” in relation to a repealed Act contributor or an accepted contributor—

(a) being a higher benefit contributor, means a fortnightly pension equal to sixty-six and two-thirds per centum of that contributor’s final salary plus one-ninth of one per centum of that final salary for each complete month of service served by

that contributor after attaining the age of retirement or the first day of July, 1974, whichever event last occurs;

and

- (b) being a lower benefit contributor, means a fortnightly pension equal to thirty-three and one-third per centum of that contributor's final salary plus one-eighteenth of one per centum of that final salary for each complete month of service served by that contributor after attaining the age of retirement or the first day of July, 1974, whichever event last occurs:

"standard percentage"—

- (a) in relation to a contributor, other than a new contributor, being a higher benefit contributor, means the percentage determined in relation to the contributor by reference to—

- (i) the tenth schedule to this Act, if the contributor is contributing for retirement at age fifty-five years;

or

- (ii) the eleventh schedule to this Act, if the contributor is contributing for retirement at age sixty years,

and by reference to the age of the contributor on the anniversary of his birth that next follows the thirtieth day of June, 1974;

- (b) in relation to a contributor, other than a new contributor, being a lower benefit contributor, means a percentage equal to half of the percentage that would be applicable to that contributor if he were a higher benefit contributor;

- (c) in relation to a new contributor, being a higher benefit contributor means the percentage determined in relation to that contributor by reference to the twelfth schedule to this Act and ascertained by reference to the age of the contributor on the anniversary of his birth that next follows his first salary determination day;

and

- (d) in relation to a new contributor, being a lower benefit contributor, means a percentage equal to half of the percentage that would be applicable to that contributor if he were a higher benefit contributor:

"superannuation fortnight" means the period of fourteen days that commenced on the twenty-sixth day of June, 1974, and each succeeding period of fourteen days thereafter:

"the Board" means the Board, on and from the commencement of this Act, under the name "South Australian Superannuation Board", continued in existence by section 18 of this Act:

"the Fund" means the South Australian Superannuation Fund continued in existence under section 12 of this Act:

"the repealed Act" means the Superannuation Act, 1969, as from time to time in force:

"the Tribunal" means the Superannuation Tribunal established under section 117 of this Act:

“the Trust” means the South Australian Superannuation Fund Investment Trust established by section 33 of this Act:

“Trustee” means a trustee referred to in subsection (1) of section 34 of this Act and includes the trustee who is, pursuant to subsection (2) of that section, chairman of the Trust.

Extended
meaning of
“employee”.

6. (1) Without limiting the generality of the meaning of the definition of “employee” in section 5 of this Act—

(a) it is declared that employment by—

- (i) the South Australian Railways Commissioner¹;
- (ii) the Commissioner of Highways;
- (iii) the State Bank of South Australia;
- (iv) the Council of the South Australian Institute of Technology;

or

- (v) any other prescribed person or body,

shall, for the purposes of that definition, be deemed to be employed by the Government of South Australia;

(b) it is declared that a person for the time being holding the office of—

- (i) South Australian Railways Commissioner¹;
- (ii) Commissioner of Highways;
- (iii) Commissioner appointed under the Public Service Act, 1967-1973²;
- (iv) Garden Suburb Commissioner³;

or

- (v) any other prescribed office,

shall, for the purposes of that definition, be deemed to be employed in a permanent capacity by the Government of South Australia notwithstanding the fact that his term of office is for a limited or fixed period only;

(c) it is declared that a person who is—

- (i) an Officer as defined in the Public Service Act, 1967-1973²;
- (ii) a teacher holding office in the teaching service under the Education Act, 1972⁴, other than such a teacher appointed on a temporary basis;
- (iii) a salaried railways officer appointed under the South Australian Railways Commissioner's Act, 1936-1971⁵;

¹ For interpretation of references in Acts to the South Australian Railways Commissioner see now s. 6 (4) and (5) of Railways Act, 1936-1975.

² Now Public Service Act, 1967-1975.

³ By proclamations under the Garden Suburb Act, 1919-1973 (*Gaz.* 27th March, 1975, p. 1262 and *Gaz.* 1st May, 1975, p. 1698) it was provided *inter alia*, that all of the powers, duties and functions of the Garden Suburb Commissioner shall, as to the whole of the Garden Suburb, be exercised and discharged by the Council of the City of Mitcham. See also ss. 24 and 25 of the Garden Suburb Act, 1919, as amended.

⁴ Now Education Act, 1972-1974.

⁵ Now Railways Act, 1936-1975.

(iv) an apprentice in the service of the South Australian Government or an apprentice appointed under the South Australian Railways Commissioner's Act, 1936-1971¹;

shall, for the purpose of that definition, be deemed to be employed in a permanent capacity by the Government of South Australia;

(d) it is declared that a person who is employed by the Government of South Australia in employment not otherwise deemed to be employment in a permanent capacity that is not casual employment shall, subject to subsection (2) of this section, be deemed to be employed in a permanent capacity by the Government of South Australia;

and

(e) it is declared that a person who is employed in the establishment of the Governor shall be deemed to be employed in a permanent capacity by the Government of South Australia.

(2) In the case of a person referred to in paragraphs (d) or (e) of subsection (1) of this section the Board may direct that such a person shall be deemed not to be employed in a permanent capacity by the Government of South Australia until that person has been employed by that Government for such period as the Board specifies in the direction and in that case that person shall be deemed not to be an employee within the meaning of the definition of employee in section 5 of this Act until the expiration of that period.

(3) If any question arises as to whether or not a person is an employee as defined for the purposes of this Act, that question shall be determined by the Board.

7. Where pursuant to this Act an amount is required to be expressed in dollars that amount may be expressed in dollars and whole cents, half of one cent or more being regarded as a whole cent.

Expression used in Act.

8. (1) The Governor may from time to time by proclamation declare any scheme, fund or arrangement to or in respect of which the Government of South Australia directly or indirectly makes or is liable to make a payment in respect of any person and from or in respect of which that person or his dependants or any of them may expect to derive a benefit to be a declared scheme for the purposes of this Act.

Declared schemes.

(2) The Governor may by proclamation revoke any proclamation—

(a) made under section 26 of the repealed Act;

or

(b) made under this section,

and upon that revocation the declared scheme to which that proclamation relates shall cease to be a declared scheme.

9. (1) Where there is no Public Actuary available and willing to act the Governor may by proclamation appoint an actuary to exercise and perform the powers, duties and functions of the Public Actuary conferred by or under this Act or such of those powers, duties and functions as are specified in the proclamation.

Provision for substitute Public Actuary.

¹ Now Railways Act, 1936-1975.

(2) Where a proclamation referred to in subsection (1) of this section or such a proclamation as amended or varied is in force, references in this Act to the Public Actuary shall, to the necessary extent, be read as references to the person appointed pursuant to that proclamation.

(3) The Governor may by proclamation amend, vary or revoke a proclamation referred to in subsection (1) of this section.

Cost of
administration.

10. (1) The cost of the administration of this Act shall be paid out of moneys appropriated from time to time by Parliament for the purpose.

(2) The moneys received and paid in connection with the administration of this Act and the amounts in connection therewith shall be kept as part of the public accounts and separately from the moneys and accounts of the Fund.

Employees of
public
authorities.

11. (1) The Board may, with the approval of the Treasurer, make an arrangement with any public authority for or with respect to any of the following matters:—

- (a) granting rights to any employees or employees of a class of employees of the public authority to contribute to the Fund;
- (b) the contributions to be made to the Fund by any such employees;
- (c) the contributions to be made to the Fund by the public authority in respect of pensions or benefits payable to the said employees, their wives, husbands or children;
- (d) the pensions or other benefits payable to any such employees, their wives, husbands, children and dependants;
- (e) the application of this Act or any provision of this Act to the public authority or to the employees of the public authority, their wives, husbands, children and dependants;
- (f) payment by the public authority of the costs of and incidental to the carrying out of the arrangement and of the regulations made for carrying it into effect;

and

- (g) any other matter relevant or incidental to those above-mentioned.

(2) The Board may, with the approval of the Treasurer, make supplementary arrangements with a public authority varying or adding to or revoking any arrangement for the time being in force under this section.

(3) The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for carrying into effect any arrangement made pursuant to this section.

(4) Any arrangement or supplementary arrangement made by or having effect as if it were made by the Board pursuant to section 6 of the repealed Act with any public authority as defined in that section shall continue in existence and this Act shall apply and have effect to and in relation to such an arrangement or supplementary arrangement as if that arrangement or supplementary arrangement were an arrangement made by the Board with a public authority pursuant to this section.

(5) In this section, unless the contrary intention appears—

“employee” means a person in the employment of a public authority whether or not that person is or is deemed to be an employee as defined for the purposes of this Act:

“public authority” means any body whether incorporate or unincorporate constituted under any Act, in relation to which the Governor or a Minister of the Crown has the right to appoint the person or any of the persons constituting the body.

PART II

PART II

ADMINISTRATION

DIVISION I—THE FUND

DIVISION I

12. (1) The South Australian Superannuation Fund continued in existence by the repealed Act shall continue in existence. The Fund.

(2) There shall be paid into the Fund the contributions and payments for the purposes of this Act of the Government and of employees and there shall be paid out of the Fund the pensions and benefits provided for by this Act.

(3) Income derived from the investments or activities by the Trustees in relation to the Fund shall form part thereof.

(4) The Fund shall be exempt from all taxation or other imposts provided for by any Act of the State.

13. (1) The Fund shall, so far as is practicable, be invested by the Trust— Investment of Fund.

(a) in securities of the Commonwealth;

(b) in securities of any State or Territory of the Commonwealth;

(c) in loans to local government bodies in Australia;

(d) upon mortgage of land in Australia of an estate of inheritance in fee simple or on mortgage of leasehold interests in such land;

(e) in any manner for the time being allowed by—

(i) any Act of the State relating to the investment of trust funds;

or

(ii) any enactment of the Commonwealth or of any State, other than this State or of any Territory of the Commonwealth relating to the investment of trust funds in the Commonwealth, that State or Territory, as the case may be;

(f) in the development of real property in the State and in dealing in such real property whether for the purposes of development or otherwise;

or

(g) in stocks, shares, debentures or any other securities of limited liability companies incorporated under the law of a State of the Commonwealth, including this State, having a paid up ordinary capital of one million dollars or more.

(2) Moneys held uninvested by the Trust may be lodged either at call or on fixed deposit or partly on call and partly on fixed deposit with the Treasurer or with any bank prescribed for the purposes of this Act and while any such moneys are in such a bank they shall be deemed to be moneys of the Crown.

(3) The amount of any loan made by the Trust on the security of real property or of an interest in real property may be—

(a) any sum not exceeding—

(i) where the repayment of the moneys lent on mortgage is insured by the Trust under the *Housing Loans Insurance Act* 1965 of the Commonwealth as amended or any Act of the Commonwealth passed in substitution therefor, or where the repayment of the moneys lent on mortgage is insured by the Trust with an approved insurer ninety-five per centum of the value of the property or interest as estimated by a valuer employed by the Trust;

(ii) where the repayment of the whole of the principal and interest is guaranteed by the Government of South Australia, one hundred per centum of the value of the property or interest as so estimated;

or

(iii) in any other case, seventy per centum of the value of the property or interest as so estimated;

or

(b) any sum which the Trust is authorized to lend under the *Homes Act*, 1941, as amended¹.

(4) The Trust shall not lend money on mortgage of real property or on a mortgage of an interest in real property for any term exceeding forty years.

(5) The Governor may from time to time by proclamation declare any body corporate to be an approved insurer for the purposes of this section and may by subsequent proclamation revoke any such declaration.

(6) In this section “approved insurer” means a body corporate for the time being declared pursuant to subsection (5) of this section to be an approved insurer.

Borrowings
from Treasurer.

14. (1) For the purposes of the Fund, the Trust may borrow money from the Treasurer and, with the consent of the Treasurer, from any person.

(2) Any liability incurred with the consent of the Treasurer referred to in subsection (1) of this section is hereby guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly.

Triennial
investigation by
Public Actuary.

15. (1) An investigation shall be made into the state and sufficiency of the Fund as at the first day of July, 1974, and as at the thirtieth day of June, 1977, and as at the expiration of each period of three years thereafter.

(2) The investigation shall be made by the Public Actuary who shall be the actuary to the Board.

(3) The Public Actuary shall report to the Board the result of his investigation and shall state whether any reduction or increase is necessary in the rates of contributions payable to the Fund or in the proportion payable by the Government in respect of any pension.

¹ Now *Homes Act*, 1941-1968.

16. (1) The Board shall forthwith transmit to the Minister a copy of every report made to it by the Public Actuary under subsection (3) of section 15 of this Act.

(2) The Minister shall cause every report of the Public Actuary transmitted to him under subsection (1) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

17. The accounts relating to the Fund shall be audited by the Auditor-General.

DIVISION II—THE BOARD

DIVISION II

18. (1) The South Australian Superannuation Fund Board continued in existence by subsection (1) of section 11 of the repealed Act shall continue in existence under the name "South Australian Superannuation Board".

The Board.

(2) Except as is provided in section 37 of this Act, where in any document or writing of any kind or in any Act, rule or regulation or any other enactment of any kind a reference express or implied is made to the Board under the name "South Australian Superannuation Fund Board" that reference shall be read as a reference to the Board under the name "South Australian Superannuation Board".

(3) The members of the Board in office immediately before the commencement of this Act, shall, subject to this Division, continue in their respective offices for the balance of the terms for which they were respectively appointed and shall be eligible for re-appointment or re-election.

Subsec. (3)
amended by 62,
1974, s. 3.

19. The Board—

Incorporation
of the Board.

(a) shall continue to be a body corporate with perpetual succession and a common seal;

(b) shall in its corporate name and capacity be capable of suing and being sued and of taking or acquiring, taking or letting out on lease, holding, selling and otherwise disposing of land and property of all kinds;

and

(c) shall have all the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

20. (1) The Board shall consist of three members two of whom shall be appointed by the Governor.

Membership of
Board.

Subsec. (1)
amended by 62,
1974, s. 4 (a).

(2) The other member of the Board shall be elected in the prescribed manner by contributors and contributor pensioners and for the purposes of this Act the nominated member of the Board referred to in subsection (2) of section 11 of the repealed Act and in office immediately before the commencement of this Act shall, as to the balance of his term of office remaining after that commencement, be deemed to have been elected pursuant to this subsection.

Subsec. (2)
substituted by
62, 1974,
s. 4 (b).

(3) The Governor shall appoint one of the members of the Board to be President of the Board.

(4) One of the members of the Board shall be the Public Actuary.

PART II

DIVISION II

Term of office.
Subsec. (1)
amended by 62,
1974, s. 5 (a),
(b).

21. (1) The members of the Board appointed by the Governor shall be appointed for a term of seven years and any such member shall be eligible for re-appointment.

Subsec. (1a)
inserted by 62,
1974, s. 5 (c).

(1a) Except as is provided in subsection (1b) of this section, the term of office of the member of the Board referred to in subsection (2) of section 20 of this Act shall be seven years and any such member shall be eligible for re-election.

Subsec. (1b)
inserted by 62,
1974, s. 5 (c).

(1b) The term of office of the member deemed to have been elected pursuant to subsection (2) of section 20 of this Act shall be the balance of his term of office referred to in that subsection and that member shall be eligible for re-election.

(2) The office of member of the Board may be held in conjunction with any other appointment under the Government of the State.

Suspension and
removal of
members of the
Board.

22. (1) The Governor may suspend a member of the Board from his office for misbehaviour or incompetence or neglect of his duties as a member of the Board or mental or physical incapacity to perform those duties.

(2) Upon the suspension of a member the Minister shall cause a full statement of the grounds of that suspension to be laid before both Houses of Parliament within seven days after that suspension if Parliament is then in session or if Parliament is not then in session then within seven days after the commencement of the next session of Parliament.

(3) A member of the Board suspended under this section shall be restored to his office unless each House of Parliament, within twenty-one days after the time when the statement referred to in subsection (2) of this section was laid before it, passes a resolution requesting the Governor to remove the member from his office, and upon the passage of those resolutions the member shall be removed from office by the Governor accordingly.

Vacation of
office.

23. The office of a member of the Board shall become vacant if—

- (a) he dies or his term of office expires;
 - (b) he resigns by written notice given to the Governor;
 - (c) he is removed from office by the Governor pursuant to section 22 of this Act;
- or
- (d) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent persons or compounds with his creditors.

Extraordinary
vacancies.
Subsec. (1)
amended by 62,
1974, s. 6 (a),
(b).

24. (1) Where a member of the Board appointed by the Governor dies or otherwise vacates his office the Governor may appoint a person to fill the vacancy and the term of such appointment shall be for the unexpired portion of the term for which that member who died or otherwise vacated his office was last appointed.

Subsec. (2)
amended by 62,
1974, s. 6 (c).

(2) Where a member of the Board, referred to in subsection (2) of section 20 of this Act, dies or otherwise vacates his office a member of the Board shall be elected as provided by that subsection.

Appointment of
deputy.

25. In the case of the illness, suspension or absence of any member of the Board the Governor may appoint a person to act as deputy of the member and while so acting that person shall have and may exercise all the powers and

functions of the member and in the case of the deputy of a member who is for the time being appointed as President of the Board that deputy shall have and may exercise all the powers and functions of the President of the Board.

26. (1) Two members of the Board shall constitute a quorum at any meeting of the Board for the transaction of business and no business shall be transacted at any such meeting unless a quorum is present.

Quorum meetings, voting, etc.

(2) The President of the Board shall give or cause to be given notice of every meeting to the other members.

(3) On any matter before a meeting of the Board the decision represented by a majority of votes cast by the members of the Board present at the meeting shall be a decision of the Board and where the voting on any question is equal the question shall be postponed to a meeting of the Board at which all three members are present.

27. The President of the Board shall be the permanent administrative officer of the Board and shall preside at its meetings.

President of the Board.

28. The President of the Board, the other members and the deputies of members shall be paid such remuneration respectively as the Governor from time to time determines.

Remuneration of President and members.
S. 28 amended by 62, 1974, s. 7 (a), (b).

29. The secretary and staff of the Board shall be appointed under and subject to the Public Service Act, 1967-1973¹.

Staff.

30. If any doubt or difficulty arises in relation to any matter, situation or circumstance for which adequate provision is not made under this Act the Board may, by notice in writing resolve that doubt or difficulty or give directions for the purpose of removing that doubt or difficulty or declaring what is to be done or omitted and by whom and any such notice shall have effect as if it had been enacted in this Act.

Doubts to be resolved by directions, etc., of the Board.

31. (1) The Board shall, in each year, submit to the Minister a report dealing with the general administration and operation of this Act.

Annual report.

(2) The Minister shall cause every report of the Board submitted to him under subsection (1) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

32. Subject to this Act, the Board may make rules for the conduct of its meetings and the manner of carrying out its functions.

Conduct of meetings, etc.

DIVISION III—THE TRUST

DIVISION III

33. (1) For the purposes of this Act a body corporate by the name of the "South Australian Superannuation Fund Investment Trust" is established.

Establishment of the Trust.

(2) The Trust—

(a) shall be a body corporate with perpetual succession and a common seal;

¹ Now Public Service Act, 1967-1975.

DIVISION III

(b) shall, in its corporate name and capacity, be capable of suing and being sued and of taking, acquiring or letting out on lease, holding, selling and otherwise disposing of land and property of all kinds;

and

(c) shall have all the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

Membership of Trust.

34. (1) The Trust shall be constituted of three Trustees who shall be—

(a) the person for the time being holding or acting in the office of the Under Treasurer;

(b) the person for the time being holding or acting in the office of the Public Actuary;

and

(c) a person appointed by the Governor who shall hold office at the pleasure of the Governor.

(2) The Trustee for the time being holding or acting in the office of the Under Treasurer shall be the chairman of the Trust.

Appointment of deputy of Trustee.
S. 34a enacted by 62, 1974, s. 8.

34a. Where for any reason a Trustee is unable to perform his duties as such, the Governor may appoint a person to act as deputy of the Trustee and while so acting that person shall have and may exercise all the powers and functions of that Trustee and in the case of the deputy of the Trustee who is the chairman of the Trust that deputy shall have and may exercise all the powers and functions of the chairman of the Trust.

Quorum.

35. (1) Two Trustees shall constitute a quorum at any meeting of the Trust for the transaction of business of the Trust and no business shall be transacted at any such meeting unless a quorum is present.

(2) The chairman of the Trust shall give or cause to be given notice of every meeting to the other Trustees.

(3) On any matter before a meeting of the Trust the decision represented by a majority of votes cast by the Trustees present at the meeting shall be a decision of the Trust and where the voting on any question is equal the question shall be postponed to a meeting of the Trust at which all three Trustees are present.

Control and investment of Fund.

36. (1) The Trust shall, subject to this Act, have the control, management and investment of the Fund.

(2) All moneys received by the Board by way of payments to the Fund under this Act shall forthwith be made available to the Trust to be dealt with by the Trust in the exercise of its powers and functions under this Act.

(3) All moneys required to be paid from the Fund under this Act shall be made available to the Board by the Trust.

References to the Board.

37. (1) Where in any document or writing of any kind or in any Act, rule or regulation or any other enactment a reference is made to the Board in relation to any matter connected with the control, management or investment of the Fund, on and after the commencement of this Act, that reference shall be read as a reference to the Trust.

(2) Without limiting or restricting the generality of section 18 of this Act, any power or function that was pursuant to the repealed Act exercisable by or vested in the Board in connection with the control, management or investment

of the Fund may on and after the commencement of this Act be exercised or performed by the Trust in the same manner and to the same extent as it would have been exercised or performed by the Board if the repealed Act had not been so repealed.

38. Notwithstanding any Act, law, rule of law or practice to the contrary a Trustee may borrow from the Fund where—

Borrowing from
Fund by
Trustee.

(a) that borrowing is agreed to by the other two Trustees;

and

(b) that borrowing has the prior written approval of the Treasurer.

39. Subject to this Act, the Trust may make rules for the conduct of its meetings and the manner of carrying out its functions.

Conduct of
meetings, etc.

40. The Board shall make available to the Trust the services of such of the staff of the Board as are reasonably necessary to enable the Trust to carry out its functions.

Assistance for
Trust.

41. The Trustees shall not less than once in each year furnish the Board with a report on its activities during the preceding twelve months and the Board shall incorporate such a report of the Trust in its report referred to in section 31 of this Act.

Report of
Trustees.

42. The Trustees and the deputies of Trustees shall be paid such remuneration respectively as the Governor from time to time determines.

Remuneration
of Trustees and
deputies.
S. 42 amended
by 62, 1974,
s. 9 (a), (b).

PART III

PART III

CONTRIBUTIONS

DIVISION I—NEW CONTRIBUTORS

DIVISION I

43. (1) Subject to this section, the board may on application by an employee, accept that employee as a contributor to the Fund.

Acceptance of
employees as
contributors.

(2) Before determining an application by an employee under subsection (1) of this section the Board may require the applicant to submit such evidence as it requires as to his soundness of health and where such a requirement has been made the Board shall not accept the application until it is satisfied as to the soundness of the health of the applicant.

44. Every employee who makes application to be accepted as a contributor shall in that application elect to be—

Election of
level of
benefits.

(a) a higher benefit contributor;

or

(b) a lower benefit contributor.

45. (1) Subject to this section and section 46 of this Act a new contributor who, at the time of becoming such a new contributor is of or over the age of

Purchase of
contribution
months.

thirty years, may in the prescribed manner and form elect to purchase one or more contribution months by way of—

(a) the making of fortnightly contributions;

or

(b) the payment of a lump sum.

(2) Upon an election being made by a contributor to purchase one or more contribution months by way of the making of fortnightly contributions, the Public Actuary shall determine a special percentage in relation to that contributor and on and from that contributor's contribution adjustment day next following that determination in the application of section 47 of this Act to that contributor a reference in that section to that contributor's standard percentage shall be read as a reference to the special percentage as so determined in respect of that contributor.

(3) Upon an election being made by a contributor to purchase one or more contribution months by way of making a lump sum payment the Public Actuary shall determine the amount of the lump sum so payable being an amount that, in the opinion of the Public Actuary, is the actuarial equivalent of the pension benefit that will be derived from the contribution month or months so purchased.

Acceptance of
election under
section 45 of
Act.

46. (1) Where an election under section 45 of this Act is made by a new contributor after the first contribution adjustment day of that contributor the Board may require the contributor to produce evidence as to the state of his health.

(2) If a contributor referred to in subsection (1) of this section —

(a) fails to produce the evidence required;

or

(b) upon the evidence produced fails to satisfy the Board as to his sound health,

the Board may reject that election and for the purposes of this Act that election shall be deemed not to have been made.

Contribution by
new
contributor.

47. (1) In respect of the superannuation fortnight within which his contribution adjustment day, next following his first salary determination day, occurs and in respect of each succeeding superannuation fortnight each new contributor shall contribute to the Fund a contribution determined in the manner provided for by this section.

(2) Subject to section 48 of this Act in relation to the first and subsequent contribution adjustment days of a contributor until each succeeding contribution adjustment day the amount of contribution shall be an amount equal to the contributor's standard percentage of his contribution salary on his salary determination day immediately preceding the contribution adjustment day in relation to which his contribution is to be determined.

Concessional
contribution
rate.

48. Notwithstanding anything in section 47 of this Act, the contributions required to be made pursuant to that section shall in the case of a contributor who has not attained the age of nineteen years on his salary determination day

until his contribution adjustment day next following the day on which he attains the age of nineteen years not exceed—

(a) in the case of such a contributor who is a higher benefit contributor, three per centum of that contributor's fortnightly salary on that salary determination day;

or

(b) in the case of such a contributor who is a lower benefit contributor, one and one-half per centum of that contributor's fortnightly salary on that salary determination day.

49. The Minister may, upon the recommendation of the employing authority of a contributor and upon receipt by him of a report of the Board on such a recommendation, by notice in writing to that contributor attribute one or more contribution months to that contributor.

Attributed contribution months.
S. 49 amended by 62, 1974, s. 10.

50. (1) Where pursuant to section 45 of this Act a prescribed new contributor purchases one or more contribution months there shall be deemed to be attributed to that contributor pursuant to section 49 of this Act an additional number of contribution months ascertained by reference to the following formula:—

Contribution months deemed to be attributed.

$$A = \frac{M \times 7}{3}$$

where—

A = the contribution months deemed to be attributed, any fraction of a month being ignored

M = the contribution months purchased.

(2) In this section "prescribed new contributor" means a new contributor who was an employee as defined for the purposes of the Superannuation Act, 1926, as amended, on the first day of July, 1954, and who has been such an employee continuously since that day.

51. A new contributor is not required to make any further contributions to the Fund after the expiration of the superannuation fortnight next preceding—

Cessation of contributions by new contributors.
S. 51 amended by 62, 1974, s. 11.

(a) in the case of such a new contributor who attained three hundred and sixty contribution months on or before he attains the age of retirement, the day on which he attains the age of retirement;

Para. (a) inserted by 62, 1974, s. 11.

and

(b) in the case of such a new contributor who had not attained three hundred and sixty contribution months on or before he attained the age of retirement, the day on which he attains three hundred and sixty contribution months.

Para. (b) inserted by 62, 1974, s. 11.

DIVISION II—OTHER CONTRIBUTORS

DIVISION II

52. A contributor other than a new contributor who on or before the commencement of this Act had attained the age of retirement is not required to make any contribution to the Fund pursuant to this Act.

No further contributions required from certain contributors.

Contributions
by contributor
other than new
contributor.

53. (1) In respect of the first superannuation fortnight that falls wholly within the month of July, 1974, and in respect of each succeeding superannuation fortnight, each contributor other than a new contributor shall contribute to the Fund a contribution determined in the manner provided for by this section.

(2) In relation to the first and subsequent contribution adjustment days of a contributor until each succeeding contribution adjustment day the amount of contribution shall be an amount equal to the contributor's contribution percentage of his contribution salary on his salary determination day immediately preceding the contribution adjustment day in relation to which his contribution is to be determined.

(3) Where a contributor has elected pursuant to the Superannuation (Transitional Provisions) Act, 1974, to make a neglected unit maintenance payment or a pension maintenance payment by way of fortnightly payments those fortnightly payments shall be payable in addition to the contributions determined pursuant to this section.

(4) Payments referred to in subsection (3) of this section shall cease to be payable at the conclusion of the superannuation fortnight—

(a) in the case of a contributor who attains the age of retirement on or after the first day of July and on or before the thirty-first day of December in any year, next preceding that first day of July;

and

(b) in the case of a contributor who attains the age of retirement on or after the first day of January and on or before the thirtieth day of June in any year, next preceding that first day of January.

Special
provision for
certain
contributors.

54. (1) This section applies to a contributor to whom immediately before the commencement of this Act subsection (4) of section 26 of the repealed Act applied.

(2) Except as is prescribed the repealed Act shall apply to and in relation to a contributor to whom this section applies in the same manner and to the same extent as it would have applied if this Act had not been enacted.

(3) The regulations may provide that any specified provision of this Act shall apply to or in relation to a contributor referred to in subsection (1) of this section and that provision shall apply and have effect accordingly.

Cessation of
contributions by
contributors
other than new
contributors.

55. A contributor other than a new contributor is not required to make further contributions to the Fund after the expiration of the superannuation fortnight next preceding the day on which he attains the age of retirement.

Neglected unit
maintenance
payment.

56. (1) Any contributor whose standard pension is liable to a neglected unit reduction may in the prescribed form and manner elect to make a neglected unit maintenance payment by way of a lump sum determined in accordance with subsection (2) of this section.

(2) Except as is provided in subsection (3) of this section, a lump sum payable under subsection (1) of this section shall be an amount determined by the Public Actuary as being the actuarial equivalent of the amount that would have been payable by the contributor if he had, pursuant to the Superannuation (Transitional Provisions) Act, 1974, elected to make that neglected unit maintenance payment by means of fortnightly payments.

(3) In the case of a contributor—

(a) who is, pursuant to this Act, contributing for retirement at age fifty-five years, and has on or before the commencement of this Act, attained the age of fifty-four years and six months;

or

(b) who, being any other contributor, has on or before the commencement of this Act, attained the age of fifty-nine years and six months,

the lump sum payable under subsection (1) of this section shall be an amount determined by the Public Actuary.

(4) A contributor referred to in subsection (1) of this section who has attained the age of retirement may in the prescribed form and manner elect to pay a proportion of the lump sum that he would be required to make had he made an election under that subsection.

(5) Where a contributor has made an election under subsection (4) of this section the neglected unit reduction to which his pension shall be liable shall be ascertained by reference to the following formula:—

$$A = (1 - P) \text{NUR}$$

where—

A = the amount of the neglected unit reduction expressed in dollars

P = the proportion referred to in subsection (4) of this section expressed as a vulgar fraction

NUR = the number of dollars expressed to two decimal places comprised in the neglected unit reduction applicable to that contributor on the commencement of this Act.

(6) Notwithstanding anything in this section contained, a contributor referred to in subsection (3) of this section, being an accepted contributor, shall not make an election under subsection (4) of this section unless as a consequence of that election he becomes entitled to a pension of not less than twenty dollars a fortnight.

57. (1) Any contributor whose standard pension is not liable to a neglected unit reduction but is liable to a fund share reduction may in the prescribed form and manner elect to make a pension maintenance payment by way of a lump sum determined in accordance with subsection (2) of this section.

Pension maintenance payment.

(2) Except as is provided in subsection (3) of this section, a lump sum payable under subsection (1) of this section shall be an amount determined by the Public Actuary as being the actuarial equivalent of the amount that would have been payable by the contributor if he had, pursuant to the Superannuation (Transitional Provisions) Act, 1974, elected to make that pension maintenance payment by means of fortnightly payments.

(3) In the case of a contributor—

(a) who is pursuant to this Act, contributing for retirement at age fifty-five years, and has on or before the commencement of this Act, attained the age of fifty-four years and six months;

or

DIVISION II

(b) who being any other contributor, has on or before the commencement of this Act, attained the age of fifty-nine years and six months,

the lump sum payable under subsection (1) of this section shall be an amount determined by the Public Actuary.

(4) A contributor referred to in subsection (1) of this section who has attained the age of retirement may in the prescribed form and manner elect to pay a proportion of the lump sum that he would be required to make had he made an election under that subsection.

(5) Where a contributor has made an election under subsection (4) of this section the fund share reduction to which his pension shall be liable shall be ascertained by reference to the following formula:—

$$A = (1 - P) \text{ FSR}$$

where—

A = the amount of the fund share reduction expressed in dollars

P = the proportion referred to in subsection (4) of this section expressed as a vulgar fraction

FSR = the number of dollars expressed to two decimal places comprised in the fund share reduction applicable to that contributor on the commencement of this Act.

DIVISION III

DIVISION III—ALL CONTRIBUTORS

Further
contributions.

58. A contributor who is pursuant to section 51 or section 55 of this Act not required to make further contributions to the Fund and a contributor who pursuant to section 52 of this Act is not required to make any contributions to the Fund may make such contributions to the Fund of amounts approved of by the Board and may at any time discontinue those contributions.

Mode of
payment.

59. (1) Subject to this section the contributions to the Fund of a contributor shall be deducted from his salary in respect of each pay period and shall be paid without deduction for forwarding or exchange to the Board.

(2) Where for any reason a contributor is on leave of absence either without pay or less than full pay the contributor shall subject to this section be liable to pay to the Fund an amount equal to the contribution that had he not been on such leave of absence would have been deducted from his salary.

(3) The Board may in its discretion approve of a contributor referred to in subsection (2) of this section making the payments required to be made pursuant to that subsection in such amounts and over such periods as the Board specifies in the approval and compliance by the contributor with any such approval shall for the purposes of that subsection be deemed to be compliance by the contributor with that subsection.

(4) Any contribution of a contributor that is in arrears shall bear compound interest at such rate as is from time to time fixed by the Board.

(5) The Board may recover contributions due to the Fund together with interest chargeable thereon by the Board under this Act or under the repealed Act, as a debt due to the Board, in any court of competent jurisdiction.

Contributor
refusing or
failing to make
contributions.

60. (1) Where for any reason a contributor refuses or fails to make a contribution required of him under this Act the Board may by notice published in the *Gazette* declare that on and from the day specified in the notice the contributor ceased to be a contributor.

(2) On the day specified in a notice under subsection (1) of this section the contributor to whom the notice relates shall for the purposes of this Act cease to be a contributor.

61. Where in the opinion of the Board a contributor has made a contribution or other payment to the Fund that the contributor was not required to make pursuant to this Act or to the repealed Act then the Board may refund to that contributor, or where that contributor is deceased, to the legal personal representative of that contributor the amount of that contribution or payment.

Refund of overpaid contributions.

62. (1) Where the amount of the fortnightly salary of a contributor to whom this section applies on a salary determination day is less than the amount for the time being the declared amount under subsection (2) of this section, for the purposes of the definition of "contribution salary" in relation to that salary determination day the amount of the fortnightly salary of the contributor shall be deemed to be the amount of his fortnightly salary less the amount by which the declared amount exceeds his fortnightly salary.

Determination of contribution salary in certain cases.

(2) This section applies to a contributor who is by the terms of his employment required to serve as an employee for a number of hours in a fortnight not less than the number of hours for the time being the number of hours declared under subsection (3) of this section.

(3) The Governor may from time to time by proclamation declare both an amount to be the declared amount and a number of hours to be the declared number of hours for the purposes of this section and may by proclamation amend, vary or revoke any such declaration.

(4) A proclamation under subsection (3) of this section may be expressed to have effect on and from a day that occurred before the proclamation was made and shall have effect accordingly.

63. Subject to section 64 of this Act, where the salary of a contributor is reduced the contributions of that contributor shall be reduced by the difference between the contributions payable by that contributor immediately before the reduction took place and the contribution that would have been payable by that contributor if the salary payable to him on his last salary determination day were the salary payable to him immediately after that reduction in salary.

Reduction in salary.

64. A contributor referred to in section 63 of this Act, whose salary was reduced in circumstances not due to any fault on the part of the contributor, may in the prescribed form and manner elect not to have his contribution reduced pursuant to that section and in that case the contributor shall continue to contribute to the Fund as if his salary had not been so reduced and for the purposes of the definition of "contribution salary" the salary payable to that contributor immediately before the reduction shall be deemed to be the salary payable to that contributor.

Election to make increased contributions.

65. (1) The Board may in its discretion permit an employee in respect of whom it is not satisfied as to his soundness of health to contribute to the Fund to the extent provided for by this section.

Limited benefit employees.

(2) An employee who is permitted to contribute to the Fund pursuant to subsection (1) of this section shall make such contributions as are prescribed and shall be entitled to such benefits subject to such conditions as are prescribed but notwithstanding any other provision in this Act that employee shall not be entitled to any other benefit or pension under this Act.

DIVISION III

(3) For the purposes of this section any employee who was immediately before the commencement of this Act contributing to or permitted to contribute to the Fund pursuant to the permission of the Board given pursuant to subsection (4) of section 27 of the repealed Act or pursuant to the permission of the Board that, pursuant to the repealed Act, had effect as such permission shall continue to contribute to the Fund as if he had been given permission to so contribute pursuant to subsection (1) of this section and subsection (2) of this section shall apply and have effect to and in relation to any such employee as if he had been permitted to contribute to the Fund under that subsection.

DIVISION IV

DIVISION IV—CONTRIBUTIONS BY GOVERNMENT

Contributions
by the
Government.

66. (1) In respect of each payment of pension or other payment from the Fund the Government shall make such contribution to the Fund calculated in the prescribed manner.

(2) The regulations may from time to time vary the contributions to be made by the Government.

(3) Payments by the Government to the Fund for the purposes of this Act shall be made out of the General Revenue of the State which is hereby and to the necessary extent appropriated accordingly.

PART IV

PART IV

PENSIONS AND BENEFITS FOR CONTRIBUTORS

DIVISION I

DIVISION I—ENTITLEMENT TO PENSION

Entitlement to
pension.

67. (1) A contributor is entitled to a pension under this Act if—

- (a) he retires from his employment on or after attaining the age of retirement;
- (b) he retires from his employment in the circumstances referred to in section 71 of this Act;
- (c) he is retired from his employment by his employing authority on the ground of invalidity or physical or mental incapacity to perform the duties of his office, that invalidity or incapacity not being due to his own fault and the Board is satisfied that there is no suitable employment available to him;
- (d) his services in his employment are compulsorily terminated by his employing authority for the reason that there is no longer work available for which he is suitable and qualified, and at the time of that termination—
 - (i) that contributor has attained the age of forty-five years;
 - and
 - (ii) that contributor has had not less than five years' continuous service as an employee whether under this Act or the repealed Act or partly under one Act and partly under the other Act,

and the Board is satisfied that there is no suitable employment available to him.

(2) In this section—

“suitable employment” means suitable employment as an employee having regard to—

(a) the previous employment of the contributor as an employee;
and

(b) the ability of the contributor,

at a salary of not less than the prescribed amount:

“the prescribed amount” in relation to suitable employment means an amount equal to not less than three-quarters of the salary payable to the contributor at the time it is proposed to retire him or compulsorily terminate his services.

68. For the purposes of this Part a contributor who retires or who intends to retire from his employment may by notice in writing to the Board elect to have his retirement treated as a resignation and upon such election being made this Part shall apply and have effect in relation to that contributor or former contributor as if on the day that he retired, he resigned from his employment.

Retirement may be treated as resignation.

DIVISION II—AMOUNT OF PENSION

DIVISION II

69. (1) Subject to this section, where a new contributor retires on or after attaining the age of retirement, the pension payable to that contributor shall be an amount of fortnightly pension ascertained in accordance with the following formula:—

Amount of pension on retirement for new contributor.

(a) in the case of such a contributor who is a higher benefit contributor—

$$A = \frac{FS \times N}{540}$$

and

(b) in the case of such a contributor who is a lower benefit contributor—

$$A = \frac{FS \times N}{1\,080}$$

where—

A = the amount of pension expressed in dollars

FS = the number of dollars expressed to two decimal places comprised in the final salary of the contributor

N = the contribution months of the contributor or 360 whichever is the lesser number.

(2) Where a new contributor referred to in subsection (1) of this section has attained three hundred and sixty contribution months the pension payable under this section to that contributor shall be increased by an amount of one-sixth of one per centum of the pension that would apart from this subsection have been payable to that contributor, for each complete month of service served by that contributor—

Subsec. (2) amended by 62, 1974, s. 12.

(a) in the case of such a contributor who had attained those three hundred and sixty contribution months on or before he attains the age of retirement, after he attains the age of retirement;

Para. (a) inserted by 62, 1974, s. 12.

and

DIVISION II

Para. (b)
inserted by 62,
1974, s. 12.

- (b) in the case of such a contributor who had not attained those three hundred and sixty contribution months on or before he attained the age of retirement, after he attains those three hundred and sixty contribution months.

Amount of
pension on
retirement for
contributor
other than new
contributor.

70. (1) Subject to this section, where a contributor other than a new contributor retires on or after attaining the age of retirement, the pension payable to that contributor shall be an amount of fortnightly pension equal to the standard pension less the neglected unit reduction, if any, and the fund share reduction, if any, applicable to that contributor to which shall be added the excess unit addition if any applicable to that contributor.

(2) Where a contributor referred to in subsection (1) of this section—

- (a) has pursuant to the Superannuation (Transitional Provisions) Act, 1974, elected to make a neglected unit maintenance payment by way of fortnightly payments;

or

- (b) has pursuant to section 56 of this Act elected to make and has made a neglected unit maintenance payment by way of a lump sum,

the standard pension of that contributor shall not be liable to a neglected unit reduction.

(3) Where a contributor referred to in subsection (1) of this section has pursuant to subsection (4) of section 56 of this Act elected to pay a proportion of his neglected unit maintenance payment by way of a lump sum, the neglected unit reduction applicable to that contributor shall be the amount as ascertained pursuant to subsection (5) of that section.

(4) Where a contributor referred to in subsection (1) of this section—

- (a) has pursuant to the Superannuation (Transitional Provisions) Act, 1974, elected to make a pension maintenance payment by way of fortnightly payments;

or

- (b) has pursuant to section 57 of this Act elected to make and has made a pension maintenance payment by way of a lump sum,

the standard pension of that contributor shall not be liable to a fund share reduction.

(5) Where a contributor referred to in subsection (1) of this section has pursuant to subsection (4) of section 57 of this Act elected to pay a proportion of his pension maintenance payment by way of a lump sum, the fund share reduction applicable to that contributor shall be the amount as ascertained pursuant to subsection (5) of that section.

Early
retirement.

71. The amount of fortnightly pension payable to a contributor—

- (a) who has not attained the age of retirement;

- (b) who has attained the age of fifty-five years;

and

(c) who, in accordance with the terms of his employment, has retired from his employment,

shall be ascertained by reference to the following formula:—

$$FP = \left\{ \left(\frac{A-2B}{A} \right) \times \left(\frac{A-B}{A} \right) \times P \right\} - \{D\}$$

where—

FP = the fortnightly pension expressed in dollars

A = in the case of a contributor other than a new contributor, 360

A = in the case of a new contributor, the contribution months that the contributor would have attained, after attaining the age of thirty years, if he had remained a contributor until the sixtieth anniversary of his birth

B = the number of months, portion of a month being reckoned as a whole month, that would elapse during the period commencing on and including the day on which he so retires and concluding on and including the sixtieth anniversary of his birth

P = the notional pension of the contributor

D = an amount determined by the Public Actuary as being the actuarial equivalent of the dollars of pension comprised in the notional pension of the contributor derived from any additional contributions elected to be made pursuant to section 45 of this Act, or section 5 of the Superannuation (Transitional Provisions) Act, 1974, that would have been made had the contributor not so retired, where the contributor has not paid to the Fund an amount that in the opinion of the Public Actuary was equal to the amount that he would have been required to have paid if he had retired on attaining the age of retirement.

72. The amount of fortnightly pension payable to an invalid pensioner is an amount of pension equal to the notional pension of that former contributor.

Invalid pensioners.

73. The amount of fortnightly pension payable to a retrenchment pensioner is an amount of pension equal to the notional pension of that former contributor.

Retrenchment pensioner.

74. Where an event occurs as a consequence of which a pension or other moneys are payable under this Act to or in relation to a contributor and the contributions of that contributor were in arrears the Board may deduct from any pension or moneys so payable either in one sum or in periodic instalments an amount equal to the amount of those arrears together with interest chargeable thereon by the Board under this Act or under the repealed Act.

Contributions in arrears.

DIVISION III—COMMUTATION OF PENSION

DIVISION III

75. (1) A contributor or contributor pensioner who is entitled to a commutable pension may, by notice in writing delivered to the Board before the expiration of the third month next following the pension vesting day of that pension or before the expiration of the third month next following the commencement of this Act, whichever event last occurs, elect to commute a number of whole dollars of that pension not exceeding the number of whole dollars by which the number of whole dollars comprised in thirty per centum of that pension exceeds the number of whole dollars comprised in the prescribed deduction in relation to that pension.

Commutation of pension of contributor pensioner.

DIVISION III

(2) On receipt of an election under subsection (1) of this section the Public Actuary shall fix the amount payable from the Fund by way of commutation.

(3) On and from the day of payment from the Fund of the amount referred to in subsection (2) of this section the pension payable to the contributor pensioner shall, subject to this Act, be reduced by the number of whole dollars so commuted.

DIVISION IV

DIVISION IV—CESSATION OF PENSION

Recall of
invalid
pensioner.

76. (1) In this section—

“pensioner” means an invalid pensioner who has not attained the age of retirement:

“suitable employment” means suitable employment as an employee having regard to—

(a) the previous employment of the pensioner as an employee;

(b) the ability and state of health of the pensioner,

and at a salary of not less than the prescribed amount:

“the prescribed amount” in relation to suitable employment means an amount in the opinion of the Board having regard to movements in prices and wages as being the present equivalent of three-quarters of the salary payable to the pensioner immediately before he became a pensioner.

(2) The Board may from time to time direct that a pensioner shall satisfy the Board as to his state of health by undergoing a medical examination at a time and place specified by the Board.

(3) If a pensioner, to whom a direction referred to in subsection (2) of this section is given, fails to comply with that direction, the Board may suspend the pension payable to that pensioner until that pensioner satisfies the Board as to his state of health by undergoing a medical examination at a time and place specified by the Board.

(4) Where pursuant to subsection (3) of this section a pension payable to an invalid pensioner is suspended and during the period of that suspension that invalid pensioner dies, for the purposes of ascertaining the amount of pension payable to the spouse of that pensioner and for the purposes of ascertaining the amount of child benefit derived from the pension of the pensioner, no regard shall be had to the fact that at the material time that pension was so suspended.

(5) If in the opinion of the Board the health of a pensioner is restored so as to enable him to again become an employee the Board shall so inform the Minister with a view to suitable employment being offered to the pensioner.

(6) Where an offer of suitable employment is made to a pensioner referred to in subsection (5) of this section and the pensioner does not enter that employment within the period, not being less than seven days, specified in the offer or within such further period as is allowed by the Board, then on the expiration of that period or further period, as the case may be, the pension of that pensioner shall cease and determine and neither the pensioner nor any person claiming through the pensioner shall be entitled to any further benefit under this Act.

(7) Where a pensioner referred to in subsection (5) of this section again becomes an employee he shall forthwith commence to contribute to the Fund at such rate as is determined by the Board.

(8) For the purpose of determining the "contribution months" of a pensioner referred to in subsection (5) of this section that pensioner shall be deemed to have been contributing to the Fund during the whole of the period during which he was an invalid pensioner.

(9) For the purpose of this section a direction or an offer of employment if reduced to writing and posted to the address of the pensioner last known to the Board shall, without prejudice to any other method of giving that direction or making that offer, for all purposes be deemed to have been given or made to that pensioner on the day that it would have been delivered to that address in the ordinary course of post.

77. (1) In this section—

"pensioner" means a retrenchment pensioner who has not attained the age of retirement:

"suitable employment" means suitable employment as an employee having regard to—

(a) the previous employment of the pensioner as an employee;

(b) the ability of the pensioner,

and at a salary of not less than the prescribed amount:

"the prescribed amount" in relation to suitable employment means an amount in the opinion of the Board having regard to movements in prices and wages as being the present equivalent of three-quarters of the salary payable to the pensioner immediately before he became a pensioner.

(2) Where in the opinion of the Board suitable employment is available to the pensioner the Board shall so inform the Minister with a view to suitable employment being offered to the pensioner.

(3) Where an offer of suitable employment is made to a pensioner referred to in subsection (2) of this section and the pensioner does not enter that employment within the period, not being less than seven days, specified in the offer or within such further period as is allowed by the Board, then on the expiration of that period or further period, as the case may be, the pension of that pensioner shall cease and determine and neither the pensioner nor any person claiming through the pensioner shall be entitled to any further benefit under this Act.

(4) Where a pensioner referred to in subsection (2) of this section again becomes an employee he shall forthwith commence to contribute to the Fund at such rate as is determined by the Board.

(5) For the purpose of determining the contribution months of a pensioner referred to in subsection (2) of this section that pensioner shall be deemed to have been contributing to the Fund during the whole of the period during which he was a retrenchment pensioner.

(6) For the purpose of this section an offer of employment if reduced to writing and posted to the address of the pensioner last known to the Board shall, without prejudice to any other method of making that offer, for all purposes be deemed to have been made to that pensioner on the day that it would have been delivered to that address in the ordinary course of post.

78. (1) Where, on or after the commencement of this Act, an invalid pensioner or a retrenchment pensioner is or becomes in receipt of an income from any remunerative activity other than as an employee and the amount of that income expressed as a fortnightly payment when aggregated with the

Recall of
retrenchment
pensioner.

Remunerative
activity by
invalid
pensioners or
retrenchment
pensioners.

DIVISION IV

amount of the fortnightly pension of that pensioner exceeds the equivalent salary applicable to that pensioner, the Board may by order in writing served by post on the pensioner reduce the pension payable to that pensioner by an amount not exceeding the amount by which the aggregated amount so exceeds the equivalent salary of that pensioner.

(2) A reduction of pension made pursuant to subsection (1) of this section may be varied or removed by the Board by order in writing served by post on the pensioner and—

(a) shall be so removed on the pensioner attaining the age of retirement;
and

(b) may be so removed or varied if the Board is satisfied that it is proper so to remove or vary the reduction by reason of—

(i) a variation in the income of the pensioner from his remunerative activity;

(ii) a variation of the equivalent salary applicable to the pensioner;

or

(iii) a variation in the pension that would apart from this section be payable to the pensioner.

(3) In the application of section 98 of this Act to a pension that has for the time being been reduced pursuant to subsection (1) of this section, except for the purposes of subsection (2) of this section, no regard shall be had to the fact that the pension has been so reduced.

(4) A pensioner shall from time to time provide such information in such form and manner as to his income from remunerative activity as the Board shall require in order to ascertain whether or not the pension payable to that pensioner should be reduced pursuant to subsection (1) of this section.

(5) If the Board is satisfied that a pensioner has—

(a) refused or failed to provide information in the form and manner required pursuant to subsection (4) of this section;

or

(b) provided any such information that is false or misleading in a material particular,

the Board may by order in writing served by post on the pensioner suspend any pension payable to that pensioner until the Board is satisfied that—

(c) the information required pursuant to subsection (4) of this section has been so provided;

and

(d) that information is true and correct in every particular.

(6) Where pursuant to subsection (1) of this section a pension payable to a pensioner was reduced or where pursuant to subsection (5) of this section a pension payable to a pensioner was suspended and during the period of such reduction or suspension that pensioner dies, for the purposes of ascertaining the amount of pension payable to the spouse of that pensioner and for the purposes of ascertaining the amount of child benefit derived from the pension of that pensioner, no regard shall be had to the fact that at the material time that pension was so reduced or suspended.

(7) In this section—

“equivalent salary” in relation to a pensioner means an amount, in the opinion of the Board, equivalent to the amount of fortnightly salary from time to time payable to the holder of the office or place, or a comparable office or place, held by the pensioner immediately before he became a pensioner:

“remunerative activity” in relation to a pensioner means any activity, employment, trade, business, calling or profession from which the pensioner gains an income.

DIVISION V—OTHER BENEFITS

DIVISION V

79. (1) Where a contributor ceases to be a contributor and—

(a) no pension is payable under this Act to or in relation to that contributor;

and

(b) no amount is payable, pursuant to any other provision in this Division, to or in relation to that contributor,

that former contributor shall be entitled to be paid an amount ascertained by reference to the following formula:—

$$A = (TC [1 + .03 (N - 5)]) - (P)$$

where—

A = the amount expressed in dollars

TC = the number of dollars expressed to two decimal places comprised in the aggregate of the contributions paid to the Fund by the contributor pursuant to this Act, the repealed Act or the Superannuation Act, 1926, as amended, in respect of the prescribed period

N = five or the number of whole years comprised in the prescribed period, whichever is the greater number

P = the number of dollars expressed to two decimal places comprised in the total amount of the pension or benefits (if any) received by the contributor pursuant to this Act, the repealed Act or the Superannuation Act, 1926, as amended, in respect of the prescribed period.

(2) In subsection (1) of this section “the prescribed period” means the period commencing on and including the day on which the contributor was last accepted as a contributor to the Fund and concluding on and including the day on which he ceased to be a contributor.

80. Where a contributor ceases to be a contributor by reason of the fact that his services in his employment are compulsorily terminated by his employing authority for the reason that there is no longer work available for which he is suitable and qualified and that former contributor is not entitled to a pension pursuant to paragraph (d) of subsection (1) of section 67 of this Act then that former contributor shall be entitled to be paid an amount equal to three and one-third times the aggregate of the contributions paid to the Fund by that contributor pursuant to this Act, the repealed Act or the Superannuation Act, 1926, as amended, less an amount equal to the total amount of the pension or benefit (if any) received by the contributor pursuant to any of those Acts.

Other benefits, general.

Subsec. (1) amended by 62, 1974, s. 13 (a), (b).

Benefits on retrenchment when pension not payable.

PART IV

DIVISION V

Provision where
contributions
exceed benefits.

Subsec. (1)
amended by 62,
1974, s. 14 (a),
(b).

81. (1) In this section—

“prescribed period” means the period or periods commencing on and including the day on which the deceased contributor or pensioner was last accepted as a contributor to the Fund and concluding on and including the day on which no pension or benefit is payable or no further pension or benefit is payable to any spouse or person who is or may become an eligible child in relation to that deceased contributor or pensioner:

“total benefits” means an amount equal to the aggregate of the pension or other benefits under this Act, the repealed Act or any corresponding previous enactment paid to the deceased contributor or pensioner or to any spouse or child of the deceased contributor or pensioner or to any child of such a spouse in the prescribed period:

“total contributions” means an amount ascertained by reference to the following formula:—

$$A = TC [1 + .01 (N - 5)]$$

where—

A = the amount expressed in dollars

TC = the number of dollars expressed to two decimal places comprised in the aggregate of the contributions paid to the Fund by the deceased contributor or pensioner during the prescribed period pursuant to this Act, the repealed Act or any corresponding previous enactment

N = five or the number of whole years comprised in the period commencing on and including the day on which the contributor or pensioner was last accepted as a contributor to the Fund and concluding on and including the day on which he ceased to be a contributor, whichever is the greater number.

(2) Where a contributor or pensioner is dead and the Board is satisfied that no pension or benefit is payable or no further pension or benefit is payable to any spouse or person who is or may become an eligible child in relation to that contributor or pensioner and the total contributions paid by that contributor or pensioner exceed the total benefits paid in relation to that contributor or pensioner then there shall be payable to the legal personal representative of that deceased contributor or pensioner the amount by which those contributions exceed those benefits.

PART V

PART V

PENSION FOR SPOUSE AND CHILD BENEFIT

DIVISION I

DIVISION I—PENSION FOR SPOUSE

Pension for
spouse of
deceased
contributor
pensioner.

82. Where, on or after the commencement of this Act, a contributor pensioner dies leaving a spouse there shall be payable to that spouse for life a pension equal to two-thirds of the notional pension of that pensioner on the day that that spouse became entitled to that pension.

83. Where, on or after the commencement of this Act, a contributor dies leaving a spouse there shall be payable to that spouse for life a pension equal to two-thirds of the notional pension of that contributor on the day that the spouse became entitled to that pension.

Pension for spouse of deceased contributor.

84. (1) A spouse of a deceased contributor or a deceased contributor pensioner who is entitled to a commutable pension may by notice in writing delivered to the Board before the expiration of—

Commutation by spouse of spouse pension.

(a) the sixth month next following the pension payment day of the spouse that next follows the day on which the spouse attained the age of sixty years;

or

(b) the third month next following the commencement of this Act,

whichever event last occurred, elect to commute a number of whole dollars of that pension not exceeding thirty per centum of the number of whole dollars comprised in that pension.

(2) On receipt of an election under subsection (1) of this section the Public Actuary shall fix the amount payable from the Fund by way of commutation.

(3) On and from the day of payment from the Fund of the amount referred to in subsection (2) of this section the pension payable to the spouse shall, subject to this Act, be reduced by the number of whole dollars so commuted.

(4) The Board shall not be obliged to make any payment from the Fund under this section until after the expiration of the sixth month next following the receipt by the Board of the notice in writing referred to in subsection (1) of this section.

DIVISION II—CHILD BENEFIT

DIVISION II

85. For the purposes of section 86 and section 87 of this Act the amount of child benefit for each eligible child deriving his entitlement for a child benefit from a contributor or contributor pensioner shall be determined—

Determination of child benefit.

(a) on each occasion on which a person becomes entitled to a child benefit derived from that contributor or contributor pensioner;

(b) on the number of persons entitled to a child benefit derived from that contributor or contributor pensioner diminishing;

or

(c) on each occasion on which pensions are adjusted pursuant to section 98 of this Act.

86. (1) Except as is provided in section 87 of this Act there shall be payable in respect of each person who becomes an eligible child in relation to a deceased contributor or deceased contributor pensioner a child benefit ascertained in the manner provided by subsection (2) of this section.

Child benefit, general.

DIVISION II

(2) The child benefit referred to in subsection (1) of this section shall, subject to subsection (3) of this section, be a fortnightly payment in respect of each eligible child of an amount—

(a) in the case of one or two eligible children, equal to one-ninth of the notional pension for the time being of the contributor or contributor pensioner from whom the entitlement to a child benefit is derived;

or

(b) in the case of three or more such eligible children, equal to one-third of the notional pension for the time being of the contributor or contributor pensioner from whom the entitlement to a child benefit is derived divided by the number of such children.

(3) Where the amount of child benefit ascertained by reference to subsection (2) of this section in relation to an eligible child whose entitlement to that child benefit is derived from a contributor or contributor pensioner who was not a new contributor is less than eight dollars, then the amount of the child benefit shall be eight dollars.

Child benefit
where no
spouse's
pension
payable.

87. (1) There shall be payable in respect of each person who becomes an eligible child in relation to a deceased contributor or deceased contributor pensioner, where a pension deriving from that deceased contributor or deceased pensioner is not payable to the spouse of that contributor or pensioner, a child benefit ascertained in the manner provided by subsection (2) of this section.

(2) The child benefit referred to in subsection (1) of this section shall, subject to subsection (3) of this section, be a fortnightly payment in respect of each such eligible child of an amount—

(a) in the case of one eligible child, equal to forty-five per centum of the notional pension for the time being of the contributor or contributor pensioner from whom the entitlement to a child benefit is derived;

(b) in the case of two such eligible children, equal to forty per centum of the notional pension for the time being of the contributor or contributor pensioner from whom the entitlement to a child benefit is derived;

(c) in the case of three such eligible children, equal to thirty per centum of the notional pension for the time being of the contributor or contributor pensioner from whom the entitlement to a child benefit is derived;

and

(d) in the case of four or more such eligible children, equal to the notional pension for the time being of the contributor or contributor pensioner from whom the entitlement to a child benefit is derived divided by the number of such children.

(3) Where the amount of child benefit ascertained by reference to subsection (2) of this section in relation to an eligible child whose entitlement to that child benefit was derived from a contributor or contributor pensioner who was not a new contributor is less than twelve dollars, then the amount of that child benefit shall be twelve dollars.

88. Any amount payable by way of child benefit under this Division shall be payable—

To whom child benefit payable.

(a) to the spouse, if any, of the deceased contributor or deceased pensioner;

(b) to the eligible child;

or

(c) to some other person,

as the Board in its discretion determines.

89. A child benefit under this Division shall cease to be payable in respect of a person who is an eligible child on that person ceasing to be an eligible child.

Cessation of child benefits.

90. Notwithstanding anything in this Division to the contrary an eligible child in respect of whom a pension referred to in section 97 of this Act was payable shall be deemed to have become such a child on the twenty-first day of June, 1974.

Assumed day of becoming eligible child.

PART VI

PART VI

ADJUSTMENT OF PENSIONS

DIVISION I—PENSIONERS UNDER REPEALED ACT

DIVISION I

91. (1) Except as expressly provided in this Act, every pension under the repealed Act, that was payable in relation to the pension fortnight concluding on the twentieth day of June, 1974, shall continue to be payable under this Act.

Pensions to continue.

(2) Every pension referred to in subsection (1) of this section payable to a widow of a deceased contributor or pensioner shall, notwithstanding anything in the repealed Act, not cease on the remarriage of that widow but shall be payable for her life.

92. For the purposes of this Division, a person shall be deemed to be in receipt of a pension if, at the material time, that person was entitled to receive a pension notwithstanding that that person had not received any payment by way of that pension.

Receipt of pension.

93. (1) In this section—

“final salary” in relation to a pensioner, means an amount determined by reference to the following formula:—

Contributor pensioners whose pensions emerged after 1/1/73.

$$A = \left(\frac{(N \times FS) + (365 - N) \times DS}{365} \right)$$

where—

A = the amount expressed in dollars

N = the number of days elapsing in the period commencing on and including the entitlement day as defined for the purposes of the repealed Act of the pensioner next preceding the pension vesting day of his pension and concluding on and including that pension vesting day

FS = the number of dollars comprised in the fortnightly salary of the pensioner immediately before his pension vesting day expressed to two decimal places

DS = the number of dollars comprised in the fortnightly salary of the pensioner on his entitlement day referred to in the description of "N":

"pensioner" means a person—

- (a) who was in receipt of a pension under the repealed Act immediately before the commencement of this Act;
- (b) who was a contributor to the Fund under the repealed Act;
- and
- (c) whose pension vesting day occurred on or after the first day of January, 1973:

"pension units" in relation to a pensioner, means the number of units of pension in respect of which that pensioner was receiving a pension on his pension payment day next preceding the day of commencement of this Act:

"relevant entitlement day" in relation to a pensioner—

- (a) where the pensioner had an entitlement day as defined for the purposes of the repealed Act on the thirty-first day of October, 1972, means that day;
- (b) where the pensioner had an entitlement day on the thirtieth day of April, 1973, means that day;
- (c) where the pensioner did not have either of those entitlement days, means the day immediately preceding the day on which he became entitled to that pension:

"repealed Act pension" in relation to a pensioner means the fortnightly pension payable to that pensioner on his pension payment day next preceding the day of commencement of this Act:

"rejected units" in relation to a pensioner means a number of units of pension equal to the number by which his full unit entitlement on his relevant entitlement day exceeds his pension units.

(2) For the purposes of this section where at a material time a pensioner was in receipt of less than full salary the salary of that pensioner shall be deemed to be the salary that would have been payable to that pensioner if he had been on full salary.

(3) On and from the pension fortnight commencing on the twenty-first day of June, 1974, there shall be payable to a pensioner in lieu of the amount of his repealed Act pension an amount of fortnightly pension ascertained by reference to subsection (4) of this section unless the amount of pension as so ascertained is equal to less than that first mentioned amount of fortnightly pension in which case that amount of fortnightly pension shall continue to be payable.

(4) The pension to be ascertained for the purposes of subsection (3) of this section shall be calculated by reference to the following formula:—

$$P = \left[\frac{2FS}{3} \right] - \left[(2RU) + \frac{3(2PU - RAP)}{10} \right] + \left[\frac{6XU}{10} \right]$$

where—

P = the amount of pension to be ascertained expressed in dollars

FS = the number of dollars comprised in the final salary of the pensioner, expressed to two decimal places

RU = the rejected units of the pensioner

PU = the pension units of the pensioner

RAP = the number of dollars, comprised in the repealed Act pension of the pensioner, expressed to two decimal places

XU = the number of units of pension, if any, by which his pension units exceed his full unit entitlement on his relevant entitlement day.

94. (1) In this section—

“widow’s pension” means a pension first payable before the first day of January, 1973, to the widow of a deceased contributor or deceased pensioner.

Widow’s
pension that
emerged before
1/1/73.

(2) On and from the pension fortnight commencing on the twenty-first day of June, 1974, the amount of each widow’s pension payable immediately before the commencement of this Act shall be a fortnightly pension of an amount equal to sixty-five per centum of the notional pension on that day of the deceased contributor or deceased pensioner from the pension of whom that widow’s pension was derived or five dollars and twenty cents whichever is the greater amount.

(3) A widow’s pension which pursuant to the repealed Act ceased to be payable on the remarriage of that widow shall, if after the commencement of this Act she again becomes a widow, again become payable and shall be a fortnightly pension of an amount equal to sixty-five per centum of the notional pension, on the day she again becomes a widow, of the deceased contributor or deceased pensioner from the pension of whom that widow’s pension was derived or five dollars and twenty cents whichever is the greater amount.

95. (1) In this section—

“widow’s pension” means a pension first payable on or after the first day of January, 1973, to the widow of a deceased contributor or deceased pensioner.

Widow’s
pension that
emerged after
1/1/73.

(2) On and from the pension fortnight commencing on the twenty-first day of June, 1974, the amount of each widow’s pension payable immediately before the commencement of this Act shall be a fortnightly pension of an amount equal to two-thirds of the notional pension on that day of the deceased contributor or deceased pensioner from the pension of whom that widow’s pension was derived or five dollars and twenty cents whichever is the greater amount.

(3) A widow’s pension which pursuant to the repealed Act ceased to be payable on the remarriage of that widow shall, if after the commencement of this Act she again becomes a widow, again become payable and shall be a fortnightly pension of an amount equal to two-thirds of the notional pension, on the day she again becomes a widow, of the deceased contributor or deceased pensioner from the pension of whom that widow’s pension was derived or five dollars and twenty cents whichever is the greater amount.

96. (1) In this section—

“pensioner” means a person—

(a) who was in receipt of a pension under the repealed Act, immediately before the commencement of this Act;

Pensioners
having a
pension vesting
day that
occurred prior
to 1/1/73.

DIVISION I

(b) who was a contributor to the Fund under the repealed Act;
and

(c) whose pension vesting day occurred before the first day of January, 1973.

(2) On and from the pension fortnight commencing on the twenty-first day of June, 1974, each pension payable to a pensioner on that day shall be increased by nine per centum.

Certain
pensions cease
to be payable.

97. On and from the pension fortnight commencing on the twenty-first day of June, 1974, any pension payable pursuant to section 67, 68, 69, 70 or 74 of the repealed Act in respect of a child shall cease to be payable.

DIVISION II

DIVISION II—FUTURE ADJUSTMENT

Adjustment of
pensions.

98. (1) In this section—

“adjustment percentage” in relation to a prescribed pension day, means the adjustment percentage, if any, declared for that prescribed pension day:

“June quarter” in relation to a year means the period commencing on and including the first day of April of that year and concluding on and including the thirtieth day of June in that year:

“prescribed pension day” means the first pension day in the month of October, 1974, and the first pension day in the month of October in each succeeding year:

“the Index” means the Consumer Price Index (All groups index for Adelaide) published by the Commonwealth Statistician under the *Census and Statistics Act* 1905 of the Commonwealth as amended from time to time and includes any Act passed in substitution therefor.

(2) As soon as practicable after the end of the June quarter of 1974 and as soon as practicable after the end of the June quarter in each succeeding year the Public Actuary shall by certificate in writing to the Minister state the percentage calculated to two decimal places by which the Index for that June quarter is greater or less than the Index for the June quarter of the year immediately preceding the year in respect of which the certificate is given.

(3) On receipt of a certificate under subsection (2) of this section, in which it is stated that the percentage is equal to or greater than one per centum, the Minister shall by notice published in the *Gazette* declare the adjustment percentage, for the prescribed pension day next following the June quarter in respect of which the certificate was given, to be the percentage stated in that certificate and the Minister shall state whether the adjustment percentage shall be applied so as to reduce or increase pensions.

(4) Where the percentage stated in the certificate under subsection (2) of this section is less than one per centum no adjustment percentage shall be declared by the Minister for the prescribed pension day next following the June quarter in respect of which the certificate was given.

(5) In any year that next follows a year in respect of which no adjustment percentage was declared, the certificate of the Public Actuary shall state the percentage by which the Index for the June quarter is greater or less than the Index for the June quarter of the year in relation to which an adjustment percentage was last declared and for the purposes of this section such a certificate shall be deemed to be a certificate under subsection (2) of this section.

(6) Subject to subsection (7) of this section, on and from the commencement of the pension fortnight which includes each prescribed pension day the amount of each pension—

- (a) that had a determination day that occurred on or before the thirtieth day of September of the year next preceding the year in which the prescribed pension day occurs, shall be increased, or as the case may be, decreased, by the adjustment percentage declared for that prescribed pension day;
- (b) that had a determination day that occurred, on or after the first day of October of the year next preceding the year in which the prescribed pension day occurs and on or before the thirty-first day of December in that year, shall be increased, or as the case may be, decreased, by three-quarters of the adjustment percentage declared for that prescribed pension day;
- (c) that had a determination day that occurred on or after the first day of January in the year in which the prescribed pension day occurs and on or before the thirty-first day of March in that year, shall be increased, or as the case may be, decreased, by one-half of the adjustment percentage declared for that prescribed pension day;

and

- (d) that had a determination day that occurred on or after the first day of April in the year in which the prescribed pension day occurs and on or before the thirtieth day of June of that year shall be increased, or as the case may be, decreased, by one-quarter of the adjustment percentage declared for that prescribed pension day.

(7) Subsection (6) of this section shall not have effect so as to reduce the amount of any pension that had a determination day that occurred before the commencement of this Act to a fortnightly amount less than the fortnightly amount of—

- (a) in the case of the pension payable to a contributor pensioner payable before the commencement of this Act, the pension so payable on the commencement of this Act;

or

- (b) in the case of the pension payable to the spouse of a deceased contributor or deceased pensioner first payable before the commencement of this Act, the pension so payable on the commencement of this Act.

(8) For the purposes of subsection (6) of this section in determining the amount of pension payable no regard shall be had to any amount by which that pension has been reduced by commutation.

PART VII

PART VII

SPECIAL ACCOUNTS

DIVISION I—GENERAL

DIVISION I

99. There shall be established and maintained, as part of the Fund, the following special accounts:—

Special
Accounts.

- (a) the Provident Account;

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DIVISION I

- (b) the Retirement Benefit Account;
and
(c) the Voluntary Savings Account.

DIVISION II

DIVISION II—PROVIDENT ACCOUNT

Contribution to
Provident
Account.

100. Where an employee has applied to be and had not been accepted as a contributor to the Fund by the Board and that employee is not permitted by the Board to make contributions to the Fund under section 65 of this Act, that employee may, with the approval of the Board, contribute to the Provident Account established under section 99 of this Act.

Amount of
contributions.

101. The amount of contributions payable by an employee referred to in section 100 of this Act, shall be equal in amount to the contributions that would be payable by that employee if he were accepted as a contributor for the purposes of this Act and this Act shall *mutatis mutandis* apply to and in relation to the determination of that amount as if that employee were a contributor.

Acceptance as a
contributor.

102. (1) Where an employee referred to in section 100 of this Act satisfies the Board as to the soundness of his health the Board may accept that employee as a contributor to the Fund.

(2) Upon such an employee being accepted as a contributor to the Fund, this Act shall apply and have effect to or in relation to that employee and shall be deemed always to have applied to and in relation to that employee as if that employee had become a contributor to the Fund on and from the day on which he commenced contributions to the Provident Account, and on and from that acceptance no payment pursuant to this Division shall be made in relation to that employee.

Benefit payable
from the
Provident
Account.

103. (1) Where an employee referred to in section 100 of this Act ceases to be an employee otherwise than by dismissal or resignation from his employment there shall be payable by the Board to that employee or, as the case requires, to the legal personal representative of that employee, an amount being the sum of—

(a) the amount of the employee's contributions to the Provident Account together with interest thereon at the rate from time to time fixed by the Board and compounded annually;

and

(b) an amount equal to two and one-half times the amount referred to in paragraph (a) of this subsection.

Subsec. (2)
amended by 62,
1974, s. 15 (a),
(b).

(2) Where an employee referred to in section 100 of this Act ceases to be an employee by reason of dismissal or resignation from his employment that former employee shall be entitled to receive an amount ascertained by reference to the following formula:—

$$A = TC [1 + 0.03 (N - 5)]$$

where—

A = the amount expressed in dollars

TC = a number equal to the number of dollars expressed to two places of decimals comprised in the aggregate of the contribution made to the Provident Account by the employee during the

continuous period or as the case requires, the last continuous period, he was an employee

N = five or the number of continuous whole years in respect of which the employee has been contributing to the Provident Account, whichever is the greater number.

(3) Succession duty shall not be payable under any law of the State in respect of the payment by the Board of an amount pursuant to this section.

DIVISION III—RETIREMENT BENEFIT ACCOUNT

DIVISION III

104. (1) This section applies to a repealed Act contributor who immediately before the commencement of this Act had an amount standing to his credit in the reserve units of pension account continued in existence by the repealed Act.

Credit from reserve units of pension account.

(2) On the commencement of this Act there shall be credited to the Retirement Benefit Account in the name of each contributor to whom this section applies an amount ascertained in the manner provided for by subsection (3) of this section.

(3) For the purposes of this section, the amount to be credited to the Retirement Benefit Account in the name of a contributor shall be the amount standing to the credit of that contributor in the reserve units of pension account immediately before the commencement of this Act, together with an amount representing the interest that would pursuant to the repealed Act have been payable by way of interest on the amount so standing to the credit of that contributor if he had ceased to be an employee immediately before the commencement of this Act.

105. (1) This section applies to a repealed Act contributor being such a contributor who is referred to in subsection (1) of section 56 of the repealed Act and being a male had attained the age of sixty-one years or being a female had attained the age of fifty-six years.

Lump sum payable under s. 56 of repealed Act.

(2) On the commencement of this Act there shall be credited to the Retirement Benefit Account in the name of each contributor to whom this section applies an amount ascertained in the manner provided for by subsection (3) of this section.

(3) For the purposes of this section the amount to be credited to the Retirement Benefit Account in the name of a contributor shall be an amount equal to the amount that would have been payable to that contributor pursuant to section 56 of the repealed Act if that contributor had retired immediately before the commencement of this Act.

106. Contributions made to the Fund pursuant to section 58 of this Act by a contributor shall be credited to the Retirement Benefit Account in the name of that contributor.

Contributions to the Fund.

107. (1) Where a contributor who has an amount standing to his credit in the Retirement Benefit Account ceases to be a contributor there shall be payable—

Payment from the Fund.

(a) to that former contributor;

or

(b) where that cessation was occasioned by the death of the contributor, to the legal personal representative of that contributor,

an amount equal to the amount so standing to the credit of the contributor.

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DIVISION III

(2) Succession duty shall not be payable under any law of the State in respect of the payment by the Board of an amount pursuant to this section.

Interest.

108. The Board shall on and from the commencement of this Act credit the amount from time to time standing in credit in the name of a contributor with interest compounded annually at the rate from time to time fixed by the Board.

Amounts standing to credit of contributors pursuant to Part VII of the repealed Act.

109. (1) The balance of any amount standing to the credit of a contributor, in an account maintained pursuant to Part VII of the repealed Act, immediately before the commencement of this Act shall, on that commencement, be credited to the Retirement Benefit Account in the name of that contributor.

(2) An authorization under subsection (1) of section 102 of the repealed Act in force immediately before the commencement of this Act shall, on and after that commencement, continue in force according to its tenor.

DIVISION IV

DIVISION IV—VOLUNTARY SAVINGS ACCOUNT

Interpretation.

110. (1) In this Division, unless the contrary intention appears—

“depositor” means—

(a) an employee;

(b) a pensioner;

(c) a member or pensioner as defined for the purposes of the Police Pensions Act, 1971-1972¹;

or

(d) a person or person of a class for the time being declared by proclamation to be a “depositor” for the purposes of this Division:

“the Account” means the Voluntary Savings Account established under section 99 of this Act.

(2) The Governor may from time to time by proclamation declare any person or any person of a class to be a depositor for the purposes of this Division and may by proclamation amend or vary any such declaration.

Interest.

111. All moneys—

(a) credited in the name of a depositor to the Account;

or

(b) from time to time paid to the Account by or on behalf of a depositor,

shall accumulate at interest at such rate per centum compounded annually as shall be fixed from time to time by the Board.

Credit to the Account.

112. All moneys standing to the credit of a depositor pursuant to Part V of the repealed Act shall on the commencement of this Act be credited in the name of the depositor in the Account.

¹ Now Police Pensions Act, 1971-1973.

113. (1) Subject to this Division and to such conditions as are prescribed any depositor may—

(a) authorize the Treasurer or some other authority to deduct from his salary and pay to the Account any sum of money;

(b) amend or revoke any authorization referred to in paragraph (a) of this subsection;

or

(c) pay directly to the Account any sum of money.

(2) Any authorization in force under Part V of the repealed Act immediately before the commencement of this Act shall for all purposes apply and have effect as if it were an authorization under paragraph (a) of subsection (1) of this section.

114. (1) Subject to this section, any depositor may, upon giving three months' notice of his intention so to do, withdraw from the Account the whole amount standing to his credit under this Division, both principal and interest, or any portion thereof. Withdrawals.

(2) Stamp duty shall not be payable on any receipt given to the Board relating to any withdrawal referred to in subsection (1) of this section.

(3) The Board may in any particular case or in any case of a class of cases waive the requirement for the giving of the notice referred to in subsection (1) of this section and in that case the depositor shall not be required to give that notice.

115. (1) The Board may, at any time, pay from the Account the amount (both principal and interest) standing to the credit of a depositor pursuant to this Division and upon such payment the Treasurer or other authority shall cease making the deductions and payments referred to in paragraph (a) of subsection (1) of section 113 of this Act. Cessation of deductions, etc.

(2) Until the Board directs otherwise, any employee to whom a payment has been made pursuant to subsection (1) of this section shall not—

(a) authorize the Treasurer or other authority to make any deduction from his salary pursuant to paragraph (a) of subsection (1) of section 113 of this Act;

or

(b) pay any sum directly to the Account pursuant to paragraph (c) of that subsection.

116. The Board shall, out of the Fund, reimburse to the Treasurer the full and fair costs to the Treasurer of administering this Division and the amount of such costs shall be as certified by the Auditor-General. Board to reimburse certain administrative costs.

PART VIII

PART VIII

THE TRIBUNAL

Establishment
of Tribunal.

117. (1) There shall be a Tribunal entitled the "Superannuation Tribunal".

(2) The Tribunal shall be constituted of a person holding judicial office under the Local and District Criminal Courts Act, 1926-1974¹, appointed by the Governor for a term of office not exceeding five years and who shall be eligible for re-appointment.

(3) A person appointed under subsection (2) of this section, shall in respect of that appointment be entitled to receive such fees and allowances as are determined by the Governor.

Vacancy in
office.

118. The office of a person appointed under subsection (2) of section 117 of this Act shall become vacant if—

(a) he ceases to hold judicial office under the Local and District Criminal Courts Act, 1926-1974¹;

(b) he dies;

(c) his term of office expires;

or

(d) he resigns by written notice addressed to the Minister.

Absence from
office.

119. (1) The Governor may appoint a person holding judicial office under the Local and District Criminal Courts Act, 1926-1974¹, to constitute the Tribunal during any absence from office of the person appointed under subsection (2) of section 117 of this Act and during any such absence the Tribunal shall be constituted of the person so appointed.

(2) An appointment under subsection (1) of this section may be expressed to relate to—

(a) an absence from office specified in the appointment;

or

(b) all absences from office occurring in a specified period, and shall have effect according to its terms.

(3) An appointment under subsection (1) of this section may be revoked at any time, notwithstanding that the period referred to in paragraph (b) of subsection (2) has not commenced or has not expired.

(4) A person appointed under subsection (1) of this section shall in respect of any period he constitutes the Tribunal be entitled to receive such fees and allowances as are determined by the Governor.

Appeal to
Tribunal.

120. (1) A person aggrieved by any decision of the Board under this Act may appeal to the Tribunal which shall have jurisdiction to hear and determine that appeal.

(2) For the purposes of giving full effect to this Part, the Tribunal may make rules—

(a) providing for the form and manner in which matters shall be brought before it;

or

¹ Now Local and District Criminal Courts Act, 1926-1975.

- (b) providing for the practice and procedure in the conduct of proceedings before the Tribunal.

121. (1) Where a contributor or contributor pensioner dies on or after the commencement of this Act, a person who was not the spouse of that deceased contributor or deceased contributor pensioner may, subject to this section, apply to the Tribunal for an order directing the Board to recognize that person as the spouse of that deceased contributor or pensioner.

Application for recognition as a spouse.

(2) The Tribunal shall have jurisdiction to hear and determine an application under this section.

(3) The Tribunal shall not grant an application under this section unless it is satisfied in all the circumstances it is proper that the application should be granted, that the applicant and the deceased contributor or pensioner were living together as husband and wife for not less than a period of three years immediately prior to the death of the contributor or pensioner, to the exclusion of the lawful spouse, if any, of the contributor or pensioner and in the case of a deceased pensioner were so living together continuously during the period during which that pensioner was a pensioner and during a period of not less than three years immediately prior to the pensioner becoming such a pensioner.

(4) On and from the making of an order under subsection (1) of this section this Act shall for all purposes apply and have effect as if—

- (a) the applicant were the spouse of the deceased contributor or pensioner;

and

- (b) the lawful spouse, if any, of the deceased contributor or pensioner were not the spouse of the deceased contributor or pensioner.

122. (1) In the exercise of its powers and functions under this Act, the Tribunal may—

Powers of the Tribunal.

- (a) by summons signed on behalf of the Tribunal by the Registrar of the Tribunal, require the attendance before the Tribunal of any person;
- (b) by summons signed on behalf of the Tribunal by the Registrar of the Tribunal, require the production of any books, papers or documents;
- (c) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them, or of any of their contents;
- (d) require any person to make oath or affirmation that he will truly answer all questions put to him by the Tribunal relating to any matter being inquired into by the Tribunal (which oath or affirmation may be administered by the Tribunal);

or

- (e) require any person appearing before the Tribunal, including the person whose conduct is subject to an inquiry, (whether he has been summoned to appear or not) to answer any relevant questions put to him by the Tribunal, or by any other person appearing before the Tribunal.

(2) Subject to subsection (3) of this section, if any person—

- (a) who has been served with a summons to attend before the Tribunal, fails without reasonable excuse (proof of which shall lie upon him) to attend in obedience to the summons;
- (b) who has been served with a summons to produce any books, papers or documents, fails without reasonable excuse (proof of which shall lie upon him) to comply with the summons;
- (c) misbehaves himself before the Tribunal, wilfully insults the Tribunal, or interrupts the proceedings of the Tribunal;

or

- (d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Tribunal,

he shall be guilty of an offence (punishable by the Tribunal in the same manner as contempt of court, or upon complaint in a court of summary jurisdiction) and liable to a penalty not exceeding one thousand dollars.

(3) A person shall not be obliged to answer a question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

(4) In the course of any proceedings, the Tribunal may—

- (a) receive in evidence any transcript of evidence in proceedings before a court and draw any conclusion of fact therefrom that it considers proper;

or

- (b) adopt, as in its discretion it considers proper, any findings, decision, or judgment of a court that may be relevant to the proceedings.

(5) In any proceedings the Tribunal shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms and it shall not be bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks fit.

Costs.

123. The Tribunal may make such orders for costs as the Tribunal considers just and reasonable.

Proceedings
before the
Tribunal.

124. (1) The Tribunal shall give to any person who is a party to proceedings instituted before the Tribunal reasonable notice of the time and place at which it intends to hear those proceedings, and shall afford any such person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses, and to make submissions to the Tribunal.

(2) If a person to whom notice has been given pursuant to subsection (1) of this section does not attend at the time and place fixed by the notice, the Tribunal may hear the proceedings in his absence.

(3) The Board may appear in any proceedings before the Tribunal.

(4) The Board or any party to proceedings before the Tribunal shall be entitled to appear personally or by counsel.

(5) The Board, or any party to proceedings before the Tribunal, may, by leave of the Tribunal, be represented before the Tribunal by a person other than a legal practitioner.

(6) A person, other than a legal practitioner, shall not demand or receive any fee or reward for representing a party to proceedings before the Tribunal.

Penalty: Five hundred dollars.

125. No liability shall attach to the person constituting the Tribunal or to the Tribunal for any act or omission by him or by the Tribunal in good faith in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge of his or its duties under this Act.

Protection for
Tribunal.

126. Any order or decision of the Tribunal shall be final and without appeal.

Decision of
Tribunal.

127. (1) There shall be a Registrar of the Tribunal.

The Registrar.

(2) The Registrar shall be appointed and shall hold office subject to and in accordance with the Public Service Act, 1967-1973¹.

(3) The office of the Registrar may be held in conjunction with any other office in the Public Service of the State.

PART IX

PART IX

MISCELLANEOUS

128. (1) The Board may require any employing authority to supply such information as it specifies in the request relating to the service or health of any person in relation to whom that employing authority is such an employing authority.

Board may
require
information
from employing
authority.

(2) Notwithstanding any Act or law to the contrary an employing authority that has been, pursuant to subsection (1) of this section, required to supply information, shall so supply that information.

129. (1) The Board may at any time require an employee or pensioner to furnish such information as the Board considers necessary for the purposes of this Act.

Returns.

(2) An employee or pensioner shall not, without reasonable excuse (proof of which shall lie upon him), refuse or fail to furnish such information as may be required of him pursuant to subsection (1) of this section.

Penalty: Fifty dollars.

130. After the commencement of this Act the accounts of every department of the Government of the State shall continue to be prepared every year in such a manner as to show what proportion of the costs to the Government of pensions and benefits payable pursuant to this Act or, as the case may be, pursuant to the repealed Act during that year is payable in respect of employees who were immediately prior to becoming entitled to a pension or benefit employed in such department and that proportion of the cost shall be deemed to be included in the working expenses of that department.

Inclusion of
cost of Fund in
departmental
accounts.

131. On the death of any person to whom any money is due under this Act the Board may in its discretion pay or distribute that money to the legal personal representative of that person or to or between the spouse or person or persons who is or who are children in relation to the deceased person.

Payments of
moneys on
death.

¹ Now Public Service Act, 1967-1975.

PART IX

Elections and non-compliance with certain requirements.

132. Where pursuant to this Act or to the Superannuation (Transitional Provisions) Act, 1974, a contributor is required or permitted to make an election and as a result of that election the contributor is required to make a payment to the Fund and that contributor fails to make that payment as and when so required that contributor shall be deemed not to have made that election and shall be entitled to a refund of any payment made pursuant to that election.

Elections, extension of time limits.

133. Where pursuant to this Act or the Superannuation (Transitional Provisions) Act, 1974, a contributor or pensioner is required or permitted to make an election within a specified time the Board may, in its discretion and subject to such conditions as it sees fit, extend the time for the making of that election and an election made within the time as so extended shall for the purposes of this Act or that Act be deemed to have been made within the time so specified.

Validity of acts of the Board and the Trust and immunity of their members.

134. (1) An act or proceeding of the Board or the Trust shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the Board or the Trust, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No liability shall attach to a member of the Board or the Trust for any act or omission by him, or by the Board or the Trust, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

Barring of certain claim for compensation.

135. No person shall be entitled to any compensation by reason of any alteration in any amount of pension, benefit or contribution under this Act or under the repealed Act which may be made by this Act, any Act amending this Act or by any regulation or by the Governor or the Board in consequence of any actuarial investigation or otherwise under this Act.

Moneys owing by former contributor.

136. Where a contributor ceased to be a contributor and at the time of that cessation that former contributor was indebted to the Fund, the Crown or his employing authority, for any moneys the Board may retain or as the case requires pay to the Crown or the employing authority out of the moneys, if any, payable to that former contributor a sum sufficient to satisfy that indebtedness.

Pension Supplementation Account.

137. On the commencement of this Act, the Pension Supplementation Account continued in existence by section 97 of the repealed Act shall cease to be maintained as a separate account and the moneys standing to the credit thereof on that commencement shall form part of the Fund.

Summary proceedings.

138. Proceedings for an offence against this Act shall be disposed of summarily.

Regulations.

139. The Governor may, on the recommendation of the Board, make such regulations as are necessary or expedient for giving full effect to the objects of this Act and for prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed, and in particular but without limiting the generality of the foregoing, for or in respect of the following matters:—

(a) prescribing in the case of employees referred to in section 65 of this Act, all or any of the following matters:—

(i) conditions of retirement;

- (ii) pension or other benefits;
 - (iii) the circumstances in which such pension or other benefit may be suspended or cancelled;
 - and
 - (iv) conditions of compulsory re-employment;
- (b) prescribing, in the case of a contributor or employee who under this Act may make an election or choice and the time within which such an election or choice is not stated in the Act, the time within which such an election or choice must be made and the conditions (if any) upon which it may be made;
- (c) prescribing conditions relating to voluntary savings under Division IV of Part VII of this Act;
- (d) prescribing, in relation to any employees who immediately prior to becoming such employees were employed by the Commonwealth or another State or Territory of the Commonwealth or any other prescribed organization and who were contributors to a superannuation fund or other scheme of the Commonwealth, that State or Territory or that organization, conditions upon which such employees may become contributors to the Fund including—
- (i) any special provisions as to the payment to the Board of amounts derived from such superannuation fund or other scheme of the Commonwealth, State or Territory or organization as the case may be;
 - (ii) the amount of contributions to be paid by such employees to the Fund;
 - (iii) the benefits to be derived by such employees from the Fund;
 - (iv) the proportion of any pensions payable to such employees which is to be paid to the Fund as the contribution by the Government to the Fund;
- and
- (v) such other matters as may be necessary whether or not of the same kind as are referred to in this paragraph for the purposes of enabling such employees to become contributors to the Fund;
- (e) prescribing additions to benefits payable under this Act, amounts by which contributions payable may be reduced 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 each investigation pursuant to section 15 of this Act;
- (f) the manner of payment of pensions;
- and
- (g) fixing penalties not exceeding two hundred dollars for any contravention of or failure to comply with such regulations.
-

Section 4.

FIRST SCHEDULE

Superannuation Act, 1969
Superannuation Act Amendment Act, 1970
Superannuation Act Amendment Act, 1971
Superannuation Act Amendment Act, 1972
Superannuation Act Amendment Act (No. 2), 1972
Superannuation Act Amendment Act, 1973
Superannuation Act Amendment Act (No. 2), 1973

SECOND SCHEDULE

Section 5.

*Adjusted Contribution*APPROPRIATE AMOUNT FOR ACCEPTED CONTRIBUTOR CONTRIBUTING FOR
RETIREMENT AT AGE FIFTY-FIVE YEARS

Date of Birth of Contributor		Appropriate Amount
On or After	But Before	\$
1/7/54	1/1/55	0.11
1/1/54	1/7/54	0.11
1/7/53	1/1/54	0.12
1/1/53	1/7/53	0.12
1/7/52	1/1/53	0.12
1/1/52	1/7/52	0.12
1/7/51	1/1/52	0.13
1/1/51	1/7/51	0.13
1/7/50	1/1/51	0.14
1/1/50	1/7/50	0.14
1/7/49	1/1/50	0.15
1/1/49	1/7/49	0.15
1/7/48	1/1/49	0.16
1/1/48	1/7/48	0.17
1/7/47	1/1/48	0.18
1/1/47	1/7/47	0.18
1/7/46	1/1/47	0.19
1/1/46	1/7/46	0.19
1/7/45	1/1/46	0.20
1/1/45	1/7/45	0.20
1/7/44	1/1/45	0.21
1/1/44	1/7/44	0.22
1/7/43	1/1/44	0.23
1/1/43	1/7/43	0.23
1/7/42	1/1/43	0.24
1/1/42	1/7/42	0.25
1/7/41	1/1/42	0.26
1/1/41	1/7/41	0.27
1/7/40	1/1/41	0.28
1/1/40	1/7/40	0.29
1/7/39	1/1/40	0.30
1/1/39	1/7/39	0.31
1/7/38	1/1/39	0.32
1/1/38	1/7/38	0.33
1/7/37	1/1/38	0.35
1/1/37	1/7/37	0.36
1/7/36	1/1/37	0.38
1/1/36	1/7/36	0.39
1/7/35	1/1/36	0.41
1/1/35	1/7/35	0.43
1/7/34	1/1/35	0.45
1/1/34	1/7/34	0.47
1/7/33	1/1/34	0.49
1/1/33	1/7/33	0.51
1/7/32	1/1/33	0.54
1/1/32	1/7/32	0.57
1/7/31	1/1/32	0.60
1/1/31	1/7/31	0.63
1/7/30	1/1/31	0.66
1/1/30	1/7/30	0.70
1/7/29	1/1/30	0.74
1/1/29	1/7/29	0.79
1/7/28	1/1/29	0.84
1/1/28	1/7/28	0.90
1/7/27	1/1/28	0.97
1/1/27	1/7/27	1.04
1/7/26	1/1/27	1.13
1/1/26	1/7/26	1.23
1/7/25	1/1/26	1.34
1/1/25	1/7/25	1.48
1/7/24	1/1/25	1.64
1/1/24	1/7/24	1.84
1/7/23	1/1/24	2.08
1/1/23	1/7/23	2.40
1/7/22	1/1/23	2.83
1/1/22	1/7/22	3.43
1/7/21	1/1/22	4.33
1/1/21	1/7/21	5.85
1/7/20	1/1/21	8.88
1/1/20	1/7/20	18.19

Section 5.

THIRD SCHEDULE

*Adjusted Contribution*APPROPRIATE AMOUNT FOR ACCEPTED CONTRIBUTOR CONTRIBUTING FOR
RETIREMENT AT AGE SIXTY YEARS

Date of Birth of Contributor		Appropriate Amount
On or After	But Before	\$
1/7/54	1/1/55	0.09
1/1/54	1/7/54	0.09
1/7/53	1/1/54	0.10
1/1/53	1/7/53	0.10
1/7/52	1/1/53	0.10
1/1/52	1/7/52	0.10
1/7/51	1/1/52	0.11
1/1/51	1/7/51	0.11
1/7/50	1/1/51	0.11
1/1/50	1/7/50	0.11
1/7/49	1/1/50	0.12
1/1/49	1/7/49	0.12
1/7/48	1/1/49	0.13
1/1/48	1/7/48	0.13
1/7/47	1/1/48	0.13
1/1/47	1/7/47	0.13
1/7/46	1/1/47	0.14
1/1/46	1/7/46	0.14
1/7/45	1/1/46	0.15
1/1/45	1/7/45	0.15
1/7/44	1/1/45	0.16
1/1/44	1/7/44	0.16
1/7/43	1/1/44	0.17
1/1/43	1/7/43	0.17
1/7/42	1/1/43	0.18
1/1/42	1/7/42	0.18
1/7/41	1/1/42	0.19
1/1/41	1/7/41	0.19
1/7/40	1/1/41	0.20
1/1/40	1/7/40	0.20
1/7/39	1/1/40	0.21
1/1/39	1/7/39	0.22
1/7/38	1/1/39	0.23
1/1/38	1/7/38	0.23
1/7/37	1/1/38	0.24
1/1/37	1/7/37	0.25
1/7/36	1/1/37	0.26
1/1/36	1/7/36	0.27
1/7/35	1/1/36	0.28
1/1/35	1/7/35	0.29
1/7/34	1/1/35	0.30
1/1/34	1/7/34	0.31
1/7/33	1/1/34	0.32
1/1/33	1/7/33	0.33
1/7/32	1/1/33	0.35
1/1/32	1/7/32	0.36
1/7/31	1/1/32	0.37
1/1/31	1/7/31	0.39
1/7/30	1/1/31	0.41
1/1/30	1/7/30	0.42
1/7/29	1/1/30	0.44
1/1/29	1/7/29	0.46
1/7/28	1/1/29	0.48
1/1/28	1/7/28	0.50
1/7/27	1/1/28	0.53
1/1/27	1/7/27	0.56
1/7/26	1/1/27	0.59
1/1/26	1/7/26	0.62
1/7/25	1/1/26	0.65
1/1/25	1/7/25	0.69
1/7/24	1/1/25	0.73
1/1/24	1/7/24	0.78
1/7/23	1/1/24	0.83
1/1/23	1/7/23	0.88
1/7/22	1/1/23	0.94
1/1/22	1/7/22	1.01
1/7/21	1/1/22	1.10
1/1/21	1/7/21	1.19
1/7/20	1/1/21	1.30
1/1/20	1/7/20	1.43
1/7/19	1/1/20	1.59
1/1/19	1/7/19	1.78
1/7/18	1/1/19	2.02
1/1/18	1/7/18	2.33
1/7/17	1/1/18	2.74

THIRD SCHEDULE—*continued**Adjusted Contribution—continued*APPROPRIATE AMOUNT FOR ACCEPTED CONTRIBUTOR CONTRIBUTING FOR
RETIREMENT AT AGE SIXTY YEARS—*continued*

Date of Birth of Contributor		Appropriate Amount
On or After	But Before	\$
1/1/17	1/7/17	3.32
1/7/16	1/1/17	4.18
1/1/16	1/7/16	5.64
1/7/15	1/1/16	8.55
1/1/15	1/7/15	17.28

Section 5.

FOURTH SCHEDULE

VALUE OF "A" IN FORMULA SET OUT IN DEFINITION OF "FUND SHARE REDUCTION" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT AT AGE FIFTY-FIVE YEARS

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/54	1/1/55	0.11
1/1/54	1/7/54	0.11
1/7/53	1/1/54	0.12
1/1/53	1/7/53	0.12
1/7/52	1/1/53	0.12
1/1/52	1/7/52	0.12
1/7/51	1/1/52	0.13
1/1/51	1/7/51	0.13
1/7/50	1/1/51	0.14
1/1/50	1/7/50	0.14
1/7/49	1/1/50	0.15
1/1/49	1/7/49	0.15
1/7/48	1/1/49	0.16
1/1/48	1/7/48	0.17
1/7/47	1/1/48	0.18
1/1/47	1/7/47	0.18
1/7/46	1/1/47	0.19
1/1/46	1/7/46	0.19
1/7/45	1/1/46	0.20
1/1/45	1/7/45	0.20
1/7/44	1/1/45	0.21
1/1/44	1/7/44	0.22
1/7/43	1/1/44	0.23
1/1/43	1/7/43	0.23
1/7/42	1/1/43	0.24
1/1/42	1/7/42	0.25
1/7/41	1/1/42	0.26
1/1/41	1/7/41	0.27
1/7/40	1/1/41	0.28
1/1/40	1/7/40	0.29
1/7/39	1/1/40	0.30
1/1/39	1/7/39	0.31
1/7/38	1/1/39	0.32
1/1/38	1/7/38	0.33
1/7/37	1/1/38	0.35
1/1/37	1/7/37	0.36
1/7/36	1/1/37	0.38
1/1/36	1/7/36	0.39
1/7/35	1/1/36	0.41
1/1/35	1/7/35	0.43
1/7/34	1/1/35	0.45
1/1/34	1/7/34	0.47
1/7/33	1/1/34	0.49
1/1/33	1/7/33	0.51
1/7/32	1/1/33	0.54
1/1/32	1/7/32	0.57
1/7/31	1/1/32	0.60
1/1/31	1/7/31	0.63
1/7/30	1/1/31	0.66
1/1/30	1/7/30	0.70
1/7/29	1/1/30	0.74
1/1/29	1/7/29	0.79
1/7/28	1/1/29	0.84
1/1/28	1/7/28	0.90
1/7/27	1/1/28	0.97
1/1/27	1/7/27	1.04
1/7/26	1/1/27	1.13
1/1/26	1/7/26	1.23
1/7/25	1/1/26	1.34
1/1/25	1/7/25	1.48
1/7/24	1/1/25	1.64
1/1/24	1/7/24	1.84
1/7/23	1/1/24	2.08
1/1/23	1/7/23	2.40
1/7/22	1/1/23	2.83
1/1/22	1/7/22	3.43
1/7/21	1/1/22	4.33
1/1/21	1/7/21	5.85
1/7/20	1/1/21	8.88
1/1/20	1/7/20	18.19

FIFTH SCHEDULE

Section 5.

VALUE OF "A" IN FORMULA SET OUT IN DEFINITION OF "FUND SHARE REDUCTION" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT AT AGE SIXTY

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/54	1/1/55	0.09
1/1/54	1/7/54	0.09
1/7/53	1/1/54	0.10
1/1/53	1/7/53	0.10
1/7/52	1/1/53	0.10
1/1/52	1/7/52	0.10
1/7/51	1/1/52	0.11
1/1/51	1/7/51	0.11
1/7/50	1/1/51	0.11
1/1/50	1/7/50	0.11
1/7/49	1/1/50	0.12
1/1/49	1/7/49	0.12
1/7/48	1/1/49	0.13
1/1/48	1/7/48	0.13
1/7/47	1/1/48	0.13
1/1/47	1/7/47	0.13
1/7/46	1/1/47	0.14
1/1/46	1/7/46	0.14
1/7/45	1/1/46	0.15
1/1/45	1/7/45	0.15
1/7/44	1/1/45	0.16
1/1/44	1/7/44	0.16
1/7/43	1/1/44	0.17
1/1/43	1/7/43	0.17
1/7/42	1/1/43	0.18
1/1/42	1/7/42	0.18
1/7/41	1/1/42	0.19
1/1/41	1/7/41	0.19
1/7/40	1/1/41	0.20
1/1/40	1/7/40	0.20
1/7/39	1/1/40	0.21
1/1/39	1/7/39	0.22
1/7/38	1/1/39	0.23
1/1/38	1/7/38	0.23
1/7/37	1/1/38	0.24
1/1/37	1/7/37	0.25
1/7/36	1/1/37	0.26
1/1/36	1/7/36	0.27
1/7/35	1/1/36	0.28
1/1/35	1/7/35	0.29
1/7/34	1/1/35	0.30
1/1/34	1/7/34	0.31
1/7/33	1/1/34	0.32
1/1/33	1/7/33	0.33
1/7/32	1/1/33	0.35
1/1/32	1/7/32	0.36
1/7/31	1/1/32	0.37
1/1/31	1/7/31	0.39
1/7/30	1/1/31	0.41
1/1/30	1/7/30	0.42
1/7/29	1/1/30	0.44
1/1/29	1/7/29	0.46
1/7/28	1/1/29	0.48
1/1/28	1/7/28	0.50
1/7/27	1/1/28	0.53
1/1/27	1/7/27	0.56
1/7/26	1/1/27	0.59
1/1/26	1/7/26	0.62
1/7/25	1/1/26	0.65
1/1/25	1/7/25	0.69
1/7/24	1/1/25	0.73
1/1/24	1/7/24	0.78
1/7/23	1/1/24	0.83
1/1/23	1/7/23	0.88
1/7/22	1/1/23	0.94
1/1/22	1/7/22	1.01
1/7/21	1/1/22	1.10
1/1/21	1/7/21	1.19
1/7/20	1/1/21	1.30
1/1/20	1/7/20	1.43
1/7/19	1/1/20	1.59
1/1/19	1/7/19	1.78
1/7/18	1/1/19	2.02
1/1/18	1/7/18	2.33
1/7/17	1/1/18	2.74
1/1/17	1/7/17	3.32
1/7/16	1/1/17	4.18

Superannuation Act, 1974

FIFTH SCHEDULE—*continued*

VALUE OF "A" IN FORMULA SET OUT IN DEFINITION OF "FUND SHARE
REDUCTION" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT AT AGE
SIXTY—*continued*

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/1/16	1/7/16	5.64
1/7/15	1/1/16	8.55
1/1/15	1/7/15	17.28

SIXTH SCHEDULE

Section 5.

VALUE OF "A" IN FORMULA SET OUT IN DEFINITION OF "NEGLECTED UNIT
MAINTENANCE PAYMENT" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT
AT AGE FIFTY-FIVE

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/54	1/1/55	0.11
1/1/54	1/7/54	0.11
1/7/53	1/1/54	0.12
1/1/53	1/7/53	0.12
1/7/52	1/1/53	0.12
1/1/52	1/7/52	0.12
1/7/51	1/1/52	0.13
1/1/51	1/7/51	0.13
1/7/50	1/1/51	0.14
1/1/50	1/7/50	0.14
1/7/49	1/1/50	0.15
1/1/49	1/7/49	0.15
1/7/48	1/1/49	0.16
1/1/48	1/7/48	0.17
1/7/47	1/1/48	0.18
1/1/47	1/7/47	0.18
1/7/46	1/1/47	0.19
1/1/46	1/7/46	0.19
1/7/45	1/1/46	0.20
1/1/45	1/7/45	0.20
1/7/44	1/1/45	0.21
1/1/44	1/7/44	0.22
1/7/43	1/1/44	0.23
1/1/43	1/7/43	0.23
1/7/42	1/1/43	0.24
1/1/42	1/7/42	0.25
1/7/41	1/1/42	0.26
1/1/41	1/7/41	0.27
1/7/40	1/1/41	0.28
1/1/40	1/7/40	0.29
1/7/39	1/1/40	0.30
1/1/39	1/7/39	0.31
1/7/38	1/1/39	0.32
1/1/38	1/7/38	0.33
1/7/37	1/1/38	0.35
1/1/37	1/7/37	0.36
1/7/36	1/1/37	0.38
1/1/36	1/7/36	0.39
1/7/35	1/1/36	0.41
1/1/35	1/7/35	0.43
1/7/34	1/1/35	0.45
1/1/34	1/7/34	0.47
1/7/33	1/1/34	0.49
1/1/33	1/7/33	0.51
1/7/32	1/1/33	0.54
1/1/32	1/7/32	0.57
1/7/31	1/1/32	0.60
1/1/31	1/7/31	0.63
1/7/30	1/1/31	0.66
1/1/30	1/7/30	0.70
1/7/29	1/1/30	0.74
1/1/29	1/7/29	0.79
1/7/28	1/1/29	0.84
1/1/28	1/7/28	0.90
1/7/27	1/1/28	0.97
1/1/27	1/7/27	1.04
1/7/26	1/1/27	1.13
1/1/26	1/7/26	1.23
1/7/25	1/1/26	1.34
1/1/25	1/7/25	1.48
1/7/24	1/1/25	1.64
1/1/24	1/7/24	1.84
1/7/23	1/1/24	2.08
1/1/23	1/7/23	2.40
1/7/22	1/1/23	2.83
1/1/22	1/7/22	3.43
1/7/21	1/1/22	4.33
1/1/21	1/7/21	5.85
1/7/20	1/1/21	8.88
1/1/20	1/7/20	18.19

Section 5.

SEVENTH SCHEDULE

VALUE OF "A" IN FORMULA SET OUT IN DEFINITION OF "NEGLECTED UNIT
MAINTENANCE PAYMENT" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT
AT AGE SIXTY

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/54	1/1/55	0.09
1/1/54	1/7/54	0.09
1/7/53	1/1/54	0.10
1/1/53	1/7/53	0.10
1/7/52	1/1/53	0.10
1/1/52	1/7/52	0.10
1/7/51	1/1/52	0.11
1/1/51	1/7/51	0.11
1/7/50	1/1/51	0.11
1/1/50	1/7/50	0.11
1/7/49	1/1/50	0.12
1/1/49	1/7/49	0.12
1/7/48	1/1/49	0.13
1/1/48	1/7/48	0.13
1/7/47	1/1/48	0.13
1/1/47	1/7/47	0.13
1/7/46	1/1/47	0.14
1/1/46	1/7/46	0.14
1/7/45	1/1/46	0.15
1/1/45	1/7/45	0.15
1/7/44	1/1/45	0.16
1/1/44	1/7/44	0.16
1/7/43	1/1/44	0.17
1/1/43	1/7/43	0.17
1/7/42	1/1/43	0.18
1/1/42	1/7/42	0.18
1/7/41	1/1/42	0.19
1/1/41	1/7/41	0.19
1/7/40	1/1/41	0.20
1/1/40	1/7/40	0.20
1/7/39	1/1/40	0.21
1/1/39	1/7/39	0.22
1/7/38	1/1/39	0.23
1/1/38	1/7/38	0.23
1/7/37	1/1/38	0.24
1/1/37	1/7/37	0.25
1/7/36	1/1/37	0.26
1/1/36	1/7/36	0.27
1/7/35	1/1/36	0.28
1/1/35	1/7/35	0.29
1/7/34	1/1/35	0.30
1/1/34	1/7/34	0.31
1/7/33	1/1/34	0.32
1/1/33	1/7/33	0.33
1/7/32	1/1/33	0.35
1/1/32	1/7/32	0.36
1/7/31	1/1/32	0.37
1/1/31	1/7/31	0.39
1/7/30	1/1/31	0.41
1/1/30	1/7/30	0.42
1/7/29	1/1/30	0.44
1/1/29	1/7/29	0.46
1/7/28	1/1/29	0.48
1/1/28	1/7/28	0.50
1/7/27	1/1/28	0.53
1/1/27	1/7/27	0.56
1/7/26	1/1/27	0.59
1/1/26	1/7/26	0.62
1/7/25	1/1/26	0.65
1/1/25	1/7/25	0.69
1/7/24	1/1/25	0.73
1/1/24	1/7/24	0.78
1/7/23	1/1/24	0.83
1/1/23	1/7/23	0.88
1/7/22	1/1/23	0.94
1/1/22	1/7/22	1.01
1/7/21	1/1/22	1.10
1/1/21	1/7/21	1.19
1/7/20	1/1/21	1.30
1/1/20	1/7/20	1.43
1/7/19	1/1/20	1.59
1/1/19	1/7/19	1.78
1/7/18	1/1/19	2.02
1/1/18	1/7/18	2.33
1/7/17	1/1/18	2.74
1/1/17	1/7/17	3.32

SEVENTH SCHEDULE—*continued*

VALUE OF "A" IN FORMULA SET OUT IN DEFINITION OF "NEGLECTED UNIT
MAINTENANCE PAYMENT" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT
AT AGE SIXTY—*continued*

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/16	1/1/17	4.18
1/1/16	1/7/16	5.64
1/7/15	1/1/16	8.55
1/1/15	1/7/15	17.28

VALUE OF "A" IN FORMULA SET OUT IN DEFINITION OF "PENSION MAINTENANCE
PAYMENT" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT AT AGE
FIFTY-FIVE

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/54	1/1/55	0.11
1/1/54	1/7/54	0.11
1/7/53	1/1/54	0.12
1/1/53	1/7/53	0.12
1/7/52	1/1/53	0.12
1/1/52	1/7/52	0.12
1/7/51	1/1/52	0.13
1/1/51	1/7/51	0.13
1/7/50	1/1/51	0.14
1/1/50	1/7/50	0.14
1/7/49	1/1/50	0.15
1/1/49	1/7/49	0.15
1/7/48	1/1/49	0.16
1/1/48	1/7/48	0.17
1/7/47	1/1/48	0.18
1/1/47	1/7/47	0.18
1/7/46	1/1/47	0.19
1/1/46	1/7/46	0.19
1/7/45	1/1/46	0.20
1/1/45	1/7/45	0.20
1/7/44	1/1/45	0.21
1/1/44	1/7/44	0.22
1/7/43	1/1/44	0.23
1/1/43	1/7/43	0.23
1/7/42	1/1/43	0.24
1/1/42	1/7/42	0.25
1/7/41	1/1/42	0.26
1/1/41	1/7/41	0.27
1/7/40	1/1/41	0.28
1/1/40	1/7/40	0.29
1/7/39	1/1/40	0.30
1/1/39	1/7/39	0.31
1/7/38	1/1/39	0.32
1/1/38	1/7/38	0.33
1/7/37	1/1/38	0.35
1/1/37	1/7/37	0.36
1/7/36	1/1/37	0.38
1/1/36	1/7/36	0.39
1/7/35	1/1/36	0.41
1/1/35	1/7/35	0.43
1/7/34	1/1/35	0.45
1/1/34	1/7/34	0.47
1/7/33	1/1/34	0.49
1/1/33	1/7/33	0.51
1/7/32	1/1/33	0.54
1/1/32	1/7/32	0.57
1/7/31	1/1/32	0.60
1/1/31	1/7/31	0.63
1/7/30	1/1/31	0.66
1/1/30	1/7/30	0.70
1/7/29	1/1/30	0.74
1/1/29	1/7/29	0.79
1/7/28	1/1/29	0.84
1/1/28	1/7/28	0.90
1/7/27	1/1/28	0.97
1/1/27	1/7/27	1.04
1/7/26	1/1/27	1.13
1/1/26	1/7/26	1.23
1/7/25	1/1/26	1.34
1/1/25	1/7/25	1.48
1/7/24	1/1/25	1.64
1/1/24	1/7/24	1.84
1/7/23	1/1/24	2.08
1/1/23	1/7/23	2.40
1/7/22	1/1/23	2.83
1/1/22	1/7/22	3.43
1/7/21	1/1/22	4.33
1/1/21	1/7/21	5.85
1/7/20	1/1/21	8.88
1/1/20	1/7/20	18.19

NINTH SCHEDULE

Section 5.

VALUE OF "A" IN FORMULA SET OUT IN THE DEFINITION OF "PENSION
MAINTENANCE PAYMENT" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT
AT AGE SIXTY

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/54	1/1/55	0.09
1/1/54	1/7/54	0.09
1/7/53	1/1/54	0.10
1/1/53	1/7/53	0.10
1/7/52	1/1/53	0.10
1/1/52	1/7/52	0.10
1/7/51	1/1/52	0.11
1/1/51	1/7/51	0.11
1/7/50	1/1/51	0.11
1/1/50	1/7/50	0.11
1/7/49	1/1/50	0.12
1/1/49	1/7/49	0.12
1/7/48	1/1/49	0.13
1/1/48	1/7/48	0.13
1/7/47	1/1/48	0.13
1/1/47	1/7/47	0.13
1/7/46	1/1/47	0.14
1/1/46	1/7/46	0.14
1/7/45	1/1/46	0.15
1/1/45	1/7/45	0.15
1/7/44	1/1/45	0.16
1/1/44	1/7/44	0.16
1/7/43	1/1/44	0.17
1/1/43	1/7/43	0.17
1/7/42	1/1/43	0.18
1/1/42	1/7/42	0.18
1/7/41	1/1/42	0.19
1/1/41	1/7/41	0.19
1/7/40	1/1/41	0.20
1/1/40	1/7/40	0.20
1/7/39	1/1/40	0.21
1/1/39	1/7/39	0.22
1/7/38	1/1/39	0.23
1/1/38	1/7/38	0.23
1/7/37	1/1/38	0.24
1/1/37	1/7/37	0.25
1/7/36	1/1/37	0.26
1/1/36	1/7/36	0.27
1/7/35	1/1/36	0.28
1/1/35	1/7/35	0.29
1/7/34	1/1/35	0.30
1/1/34	1/7/34	0.31
1/7/33	1/1/34	0.32
1/1/33	1/7/33	0.33
1/7/32	1/1/33	0.35
1/1/32	1/7/32	0.36
1/7/31	1/1/32	0.37
1/1/31	1/7/31	0.39
1/7/30	1/1/31	0.41
1/1/30	1/7/30	0.42
1/7/29	1/1/30	0.44
1/1/29	1/7/29	0.46
1/7/28	1/1/29	0.48
1/1/28	1/7/28	0.50
1/7/27	1/1/28	0.53
1/1/27	1/7/27	0.56
1/7/26	1/1/27	0.59
1/1/26	1/7/26	0.62
1/7/25	1/1/26	0.65
1/1/25	1/7/25	0.69
1/7/24	1/1/25	0.73
1/1/24	1/7/24	0.78
1/7/23	1/1/24	0.83
1/1/23	1/7/23	0.88
1/7/22	1/1/23	0.94
1/1/22	1/7/22	1.01
1/7/21	1/1/22	1.10
1/1/21	1/7/21	1.19
1/7/20	1/1/21	1.30
1/1/20	1/7/20	1.43
1/7/19	1/1/20	1.59
1/1/19	1/7/19	1.78
1/7/18	1/1/19	2.02
1/1/18	1/7/18	2.33
1/7/17	1/1/18	2.74
1/1/17	1/7/17	3.32

Superannuation Act, 1974NINTH SCHEDULE—*continued*

VALUE OF "A" IN FORMULA SET OUT IN THE DEFINITION OF "PENSION
MAINTENANCE PAYMENT" FOR CONTRIBUTOR CONTRIBUTING FOR RETIREMENT
AT AGE SIXTY—*continued*

Date of Birth of Contributor		Value of "A"
On or After	But Before	\$
1/7/16	1/1/17	4.18
1/1/16	1/7/16	5.64
1/7/15	1/1/16	8.55
1/1/15	1/7/15	17.28

TENTH SCHEDULE

Section 5.

Standard Percentage

CONTRIBUTOR, OTHER THAN NEW CONTRIBUTOR, CONTRIBUTING FOR RETIREMENT AT AGE FIFTY-FIVE YEARS

Age Next Birthday as at 30/6/74	Standard Percentage
20 years or less	6.0
21 years	6.1
22 years	6.2
23 years	6.3
24 years	6.4
25 years	6.5
26 years	6.6
27 years	6.7
28 years	6.8
29 years	6.9
30 years or more	7.0

ELEVENTH SCHEDULE

Section 5.

Standard Percentage

CONTRIBUTOR, OTHER THAN NEW CONTRIBUTOR, CONTRIBUTING FOR RETIREMENT AT AGE SIXTY YEARS

Age Next Birthday as at 30/6/74	Standard Percentage
20 years or less	5.0
21 years	5.1
22 years	5.2
23 years	5.3
24 years	5.4
25 years	5.5
26 years	5.6
27 years	5.7
28 years	5.8
29 years	5.9
30 years or more	6.0

TWELFTH SCHEDULE

Section 5.

Standard Percentage

NEW CONTRIBUTOR

Age on Birthday next following First Salary Determination Day	Standard Percentage
20 years or less	5.0
21 years	5.1
22 years	5.2
23 years	5.3
24 years	5.4
25 years	5.5
26 years	5.6
27 years	5.7
28 years	5.8
29 years	5.9
30 years or more	6.0