

SUPERANNUATION AMENDMENT ACT 1978

No. 169 of 1978

An Act to amend the *Superannuation Act* 1976.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,
&c. 1. (1) This Act may be cited as the *Superannuation Amendment Act* 1978.¹

(2) The *Superannuation Act* 1976² is in this Act referred to as the Principal Act.

Commence-
ment 2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Interpret-
ation 3. Section 3 of the Principal Act is amended by omitting “he was on leave of absence without pay and in respect of which sub-section 51 (1) applies” from the definition of “period of contributory service” in sub-section (1) and substituting “the person was on leave of absence without pay and in respect of which sub-section 51 (1) applies or was absent from duty and in respect of which sub-section 51A (1) applies”.

Basic
contributions 4. Section 45 of the Principal Act is amended by inserting in sub-section (1) “, 51A” after “sections 51”.

Election to
pay
supplement-
ary
contributions 5. Section 48 of the Principal Act is amended by inserting in sub-section (3) “, 51A” after “sections 50, 51”.

Leave of
absence
without pay 6. Section 51 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(6) A person who is absent from duty for a period which, in accordance with section 7B of the *Maternity Leave (Commonwealth Employees) Act* 1973, does not form part of her period of service or employment for the purposes of this Act shall, for the purposes of this section, be deemed not to be absent during that period on leave of absence without pay.”.

7. After section 51 of the Principal Act the following section is inserted:

“51A. (1) This section applies to a person who is, or at any time has been, an eligible employee and who, while an eligible employee, has been absent from duty for a period which, in accordance with section 7B of the *Maternity Leave (Commonwealth Employees) Act 1973*, does not form part of her period of service or employment for the purposes of this Act.

Absences
under
*Maternity
Leave
(Common-
wealth
Employees)
Act 1973*

“(2) Where this section applies to a person in respect of a period of absence from duty, she is not required to make contributions on any contribution day occurring during that period of absence.

“(3) The regulations may make provisions for modifying this Act, or a provision of this Act specified in the regulations, in the application of this Act or that provision to and in relation to a person to whom this section applies, or to and in relation to a prescribed class of such persons.

“(4) The modifications that may be made by the regulations in pursuance of sub-section (3) include, but are not limited to, modifications providing for benefits in addition to, or in substitution for, benefits provided for by this Act.”.

NOTES

1. Act No. 169, 1978; assented to 28 November 1978.
2. Act No. 31, 1976, as amended. For previous amendments *see* Act No. 51, 1976; No. 80, 1977; and Nos. 17 and 134, 1978.