



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

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No. 20 of 1974

**An Act to amend the State Service Superannuation Act 1972,  
the Public Service Superannuation Act 1958–1972  
and the Parliamentary Contributory Superannuation  
Act 1970–1971 each in certain particulars**

[ASSENTED TO 24TH APRIL, 1974]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short title and commencement.** (1) This Act may be cited as the *Superannuation Acts Amendment Act 1974*.

(2) Save as is otherwise expressly provided in this Act, this Act shall commence on the day on which it is assented to by or on behalf of the Crown.

**2. Parts of Act.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENT OF THE STATE SERVICE SUPERANNUATION ACT 1972;

PART III—AMENDMENT OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958–1972;

PART IV—AMENDMENT OF THE PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT 1970–1971.

PART II—AMENDMENT OF THE STATE SERVICE SUPERANNUATION ACT 1972

**3. Citation.** (1) In this Part, the *State Service Superannuation Act 1972* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *State Service Superannuation Act 1972–1974*.

**4. Amendment of s. 3. Application of Act.** Section 3 of the Principal Act is amended by adding at the end thereof after paragraph (f), the words “, but unless an officer being a person to whom paragraph (b) relates—

(g) who, not being bound to contribute under the 1958 Act unless he elected so to do, did not so elect before the commencement of this Act; or

(h) who was not a contributor under the 1958 Act immediately before the said commencement by reason that he had been wholly exempted by the Board from the requirement to contribute under that Act or that his liability to so contribute had been deferred without limit of time.

elects to contribute under this Act within a period of six months after the commencement of the *Superannuation Acts Amendment Act 1974*, this Act shall be deemed not to apply, or to have at any time applied, to and in relation to that officer.”

**5. Amendment of s. 4. Interpretation of terms.** (1) Subsection (1) of section 4 of the Principal Act is amended—

(a) by omitting from the definition of the term “final average increase in salary” the words “at the date of” and substituting the words “at the date immediately before the”;

(b) by inserting in the definition of the term “incapacity pension”, at the end thereof, the words “or that is payable under this Act to a contributor in respect of any period of leave of absence without salary for longer than two months, by reason of incapacity, from his employment as an officer”;

(c) by inserting in the definition of the term “officer”, after paragraph (b), the following paragraph:—

“(ba) any person employed in a permanent capacity by a Board of Trustees constituted for a Rural Training School under *The Rural Training School Act of 1965*;”; and

(d) by inserting in the definition of the term “service”, after paragraph (b), the following paragraphs and word:—

“(c) in the case of a continuing contributor who, on the coming into operation of section 3 of *The Public Service Superannuation Acts Amendment Act of 1964 (No. 2)*, became an officer within the meaning of that term in section 4 of the 1958 Act by reason of paragraph (a) or (b) of the definition of the said term and who, being then eligible so to do, became a contributor to the Fund after the coming into operation of the said section 3 and before 1st October 1965—any unbroken period during which he was employed as specified in the said paragraph that is applicable to the person in question immediately before he so became a contributor less, in the case of an officer whose remuneration,

- when he became a contributor to the Fund under the 1958 Act, for the services rendered by him in his employment was not based on an annual or fortnightly rate of salary determined in respect of that employment, the first year of that period;
- (d) in the case of a continuing contributor (not being a person to whom paragraph (c) of this definition applies) who immediately before the coming into operation of section 3 of *The Public Service Superannuation Acts Amendment Act of 1964 (No. 2)* was employed by or under the Crown or a person or authority, or in or by a Department, Board or other authority, referred to in the definition of the term "Officer" in section 4 of the 1958 Act at a remuneration for the services rendered by him in his employment not based on an annual or fortnightly rate of salary determined in respect of that employment and who, being then eligible so to do, after the coming into operation of section 3 of the said amendment Act and before 1st October 1965 became a contributor to the Fund—any unbroken period during which he was so employed immediately before so becoming a contributor to the Fund less the first year of that period; and
- (e) in the case of any continuing contributor who, immediately before the coming into operation of Part VA of the 1958 Act was an officer within the meaning of section 4 of that Act but was prohibited under section 47 or 67 of that Act from contributing to the Fund and who, being an officer to whom the Part applied became in the opinion of the Board a contributor to the Fund under the said Part within six months after becoming eligible so to do—any unbroken period immediately before his so becoming a contributor during which but for the prohibition he would have been eligible to become a contributor to the Fund under the said Act—less, in the case of an officer whose remuneration when he became a contributor to the Fund under the 1958 Act, for the services rendered by him in his employment was not based on an annual or fortnightly rate of salary determined in respect of that employment, the first year of that period."; and
- (e) by omitting from the definition of the term "service" the word "and" where occurring after paragraph (a); and
- (2) Section 4 of the Principal Act is amended by adding at the end thereof the following subsection:—

"(9) Where a person ceases to be an officer within the meaning of subsection (1) but before the expiration of one month after ceasing again becomes such an officer, the person may, where the Board so approves (whether subject to conditions or unconditionally) on the written application of that person, be permitted to contribute to the Fund in respect of the period between his so ceasing to be an officer and his again becoming an officer and where with the approval of the Board a person is permitted to contribute to the Fund under this subsection that person shall, for the purposes of this Act be deemed to be and to have been an "officer" within the meaning of subsection (1) during the period in respect of which he so contributes and this Act shall apply in relation to him accordingly."

**6. Amendment of s. 20. Obligation of officers to contribute to the Fund.** Section 20 of the Principal Act is amended by inserting in subsection (6) after the word officer (secondly occurring) the words “ who is required under this Act to contribute to the Fund.”

**7. Amendment of s. 22. Time and manner of paying contributions.** Section 22 of the Principal Act is amended by omitting from subsection (3) the words “ (not exceeding two years) ”.

**8. Amendment of s. 24. Rates of contribution.** Section 24 of the Principal Act is amended—

(a) by inserting after subsection (6) the following subsections:—

“(6A) Where the Board has made a determination under subsection (4) or (5) upon the election of an officer and the contributor satisfies the Board that payment of such additional rate of the contribution by him is causing him undue hardship, the Board may cancel its determination or vary the same by reducing, with the approval of the Actuary, the additional rate of contributions to be paid by the contributor.

(6B) Where in respect of a contributor the Board, pursuant to subsection (6A), cancels a determination under subsection (4) or (5), any determination under subsection (6) in respect of additional length of service of the contributor shall likewise be cancelled and cease to apply to or in respect of the contributor and the Board shall make to him a refund of such part of his contributions to the Fund pursuant to subsection (4) or (5) as the Actuary determines is justified having regard to the reduced liability of the Fund.”

(6C) Where in respect of a contributor the Board pursuant to subsection (6A) varies a determination under subsection (4) or (5), it shall make an appropriate variation of its consequential determination under subsection (6) of additional length of service in respect of the contributor and this Act shall apply as if the determinations as so varied were at all relevant times the determinations originally made on the election of the contributor and the Board shall make to the contributor a refund of such part of his contributions pursuant to subsection (4) or (5) as the Actuary determines is justified having regard to the reduced liability of the Fund.”

(b) by inserting in subsection (5), after the words “ under the 1958 Act ”, the words “ or any Act repealed by the 1958 Act ”.

**9. Amendment of s. 29. Rights of contributors for limited benefits.** Section 29 of the Principal Act is amended—

(a) by omitting from subsection (4) the word “ or ” where occurring after paragraph (b);

(b) by inserting in subsection (4) after paragraph (c) the following paragraphs:—

“(d) continues to be an officer after attaining the age for retirement;  
or

(e) retires or is retired from his employment as such after continuing his employment as an officer after attaining the age for retirement”;

(c) by inserting after subsection (4) the following subsection:—

“(4A) In respect of any period of leave of absence without salary for longer than two months, by reason of incapacity, from his employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit, and being leave of absence approved by the person or authority authorized by law to approve such leave, a contributor for limited benefits who has completed at least 10 years’ service before the commencement of such leave of absence is entitled after the expiration of the first two months of such leave of absence to—

- (a) where the contributor has completed at least 20 years’ service before the commencement of such leave of absence the same pension as the pension that would have been payable to him if he had been a contributor for full benefits;
- (b) where the contributor has completed at least 10 years’ but less than 20 years’ service before the commencement of such leave of absence a pension at the rate of pension calculated in accordance with the formula—

$$P = A \times \frac{B}{20},$$

where—

P represents the annual rate of the pension payable to the contributor;

A represents the annual rate of the pension that would have been payable to the contributor if he had been a contributor for full benefits; and

B represents the contributor’s length of service before the commencement of such leave of absence (expressed in years).”; and

(d) by inserting in subsection (5) after the words “ subsection (3) ” the words “ and subsection (4A) ”.

**10. Amendment of s. 30. Rights of continuing contributors who are contributors for limited benefits.** Section 30 of the Principal Act is amended—

(a) by omitting from subsection (4) the word “ or ” where occurring after paragraph (b);

(b) by inserting in subsection (4) after paragraph (c) the following paragraphs:—

“(d) continues to be an officer after attaining the age for retirement;  
or

(e) retires or is retired from his employment as such after continuing his employment as an officer after attaining the age for retirement”;

(c) by inserting after subsection (4) the following subsection:—

“(4A) In respect of any period of leave of absence without salary for longer than two months, by reason of incapacity, from his employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit, and being leave of absence approved by the person or authority authorized by law to approve such leave, a contributor

for limited benefits who has completed at least 10 years' service before the commencement of such leave of absence is, in addition to the benefits to which he may be entitled under the 1958 Act, entitled after the expiration of the first two months of such leave of absence to—

- (a) where the contributor has completed at least 20 years' service before the commencement of such leave of absence the same pension as the pension that would have been payable to him if he had been a continuing contributor for full benefits;
- (b) where the contributor has completed at least 10 years' but less than 20 years' service before the commencement of such leave of absence a pension at the rate of pension calculated in accordance with the formula—

$$P = A \times \frac{B}{20},$$

where,

P represents the annual rate of the pension payable to the contributor;

A represents the annual rate of the pension that would have been payable to the contributor if he had been a continuing contributor for full benefits; and

B represents the contributor's length of service before the commencement of such leave of absence (expressed in years)."; and

(d) by inserting in subsection (5) after the words " subsection (3) " the words " and subsection (4A) ".

**11. Amendment of s. 31. Widows' pensions.** Section 31 of the Principal Act is amended—

(a) by inserting after subsection (3) the following subsection:—

"(3A) Where a contributor for limited benefits dies in service after attaining the age for retirement or a former contributor for limited benefits dies and the contributor or former contributor was immediately before his death in receipt of, or eligible to receive, a pension under subsection (4) of section 29; or subsection (4) of section 30, and at the time of his retirement or attaining the age for retirement, whichever first occurred, had completed at least 10 years' but less than 20 years' service, the widow of the contributor, or former contributor, is entitled as from the date following the day of his death, to a pension calculated in accordance with the formula—

$$P = A \times \frac{B}{20} \times \frac{5}{8},$$

where—

P represents the annual amount of the pension payable to the widow;

A represents the annual amount of the pension that the contributor would have been receiving or for which he would have been eligible, immediately before the day of his death if he had retired on attaining the age for retirement and had

not made an election under section 47 or, in the case of a former contributor, that where the former contributor whose entitlement to a contributor's pension had ceased or been reduced by reason of an election under section 47, he would have been entitled to receive immediately before the day of his death if he had not made such election or that in any other case the former contributor was receiving, or for which he was eligible, immediately before his death;

B represents the length of service (expressed in years) of the contributor or former contributor as at the time of his attaining the age for retirement or his retirement whichever first occurred.”;

(b) by omitting from subsection (4) the words “ subsections (2) and (3) ” and substituting the words “ subsections (2), (3) and (3A) ”;

(c) by inserting in subsection (4) after paragraph (b) the following paragraph:—

“ (ba) in the case of the widow of a person whose entitlement to contributor's pension had ceased, or been reduced, by reason of an election under section 47, five-eighths of the pension that would have been payable to that person on the day immediately before his death if he had not made such election; ”;

(d) by omitting from subsection (10) the words “ and subsection (2) ” and substituting the words “, subsections (2) and (3A) ”; and

(e) by adding at the end thereof the following subsections:—

“ (11) A reference to a pensioner in this section includes a reference to a person whose entitlement to a contributor's pension has ceased by reason of an election under section 47.

(12) Subject to the following provisions of this section, a widow entitled to a widow's pension may apply in writing to the Board to commute for the lump sum prescribed by subsection (14) the whole of her widow's pension entitlement under this Act.

(13) The application under subsection (12) shall be made within three months after the date on which her widow's pension entitlement arises or within such extended time as the Board may allow.

(14) The amount of the lump sum to be paid in respect of an application under subsection (12) shall be the amount determined by the Actuary and approved by the Board as the actuarial reserve of the pension to which the application relates.

(15) The Board shall approve an application under subsection (12) where the lump sum payable in respect thereof does not exceed the sum of \$200 but in any other case shall refuse the application.”.

**12. Amendment of s. 32. Child's pension: When payable.** Section 32 of the Principal Act is amended—

(a) by omitting paragraph (b) of subsection (2) and substituting the following paragraph:—

“ (b) a person who when she died was a female contributor (other than a contributor for limited benefits who at the time of her death had not completed at least 10 years' service) or a female

pensioner (other than a former contributor for limited benefits who at the time when she ceased to be a contributor had not completed at least ten years' service) where in the opinion of the Board the child was wholly dependent on such person when she died;" ;

(b) by omitting from paragraph (b) of subsection (3) the words "four hundred and sixteen dollars" and inserting in their stead the words "at the rate of four hundred and sixteen dollars per annum";

(c) by omitting subsection (4) and substituting the following subsection:—

"(4) The pension payable under this section to a child who derives his entitlement to such through a contributor for limited benefits who at the time of his death or attaining the age for retirement whichever first occurred had completed at least 10 years' but less than 20 years' service or a former contributor who at the time of attaining the age for retirement or his earlier final retirement had completed 10 years' but less than 20 years' service and who immediately before his death was, or but for an election under section 47 would have been, a pensioner pursuant to section 29 or 30 shall, in lieu of the pension to which, but for this subsection he would have been entitled, be a pension calculated in accordance with the formula—

$$P = A \times \frac{B}{20},$$

where—

P represents the annual amount of the pension payable to the child;

A represents the annual amount of the pension that would have been payable to the child but for this subsection;

B represents the length of service of the person through whom the pension is derived expressed in years as, in the case of a contributor, at his death and, in the case of a former contributor, at the time of his retirement." ; and

(d) by adding at the end thereof the following subsections:—

"(9) Where on or after 1st July 1974 a child becomes entitled to a pension under any other provision of this section and the person through whom the child derives his entitlement was immediately before his death entitled to receive a pension under this Act, the pension to which the child is entitled is a pension calculated in accordance with the formula—

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

where—

P represents the annual amount of the pension payable to the child;

A represents the annual amount of the pension that would have been payable to the child but for this subsection;

B represents the annual amount of the pension that was payable under this Act to the person through whom the child in question derives his entitlement or, in a case where that person had made an election under section 47, or that person was a person



to whom section 41 applied, that would have been payable but for the election or the said section 41, immediately before the death of that person;

C represents the annual amount of the pension (being the pension to which the declaration as to "B" in this subsection refers) that was payable under Division I to the person through whom the child derives his entitlement on that person becoming entitled thereto.

(10) A reference to a pensioner in this section includes a reference to a person whose entitlement to a contributor's pension has ceased by reason of an election under section 47."

**13. Amendment of s. 35. Refund of contributions.** Section 35 of the Principal Act is amended—

(a) by inserting in subsection (1), after paragraph (a), the following paragraph:—

"(aa) becoming a person excepted from the Act pursuant to paragraph (g) of the definition of the term "officer" in section 4;";

(b) by inserting in subsection (1) at the end thereof the words "and is not entitled to any other benefit under this Act,";

(c) by inserting in paragraph (b) of subsection (2), at the end thereof, the words "or an entitlement under subsection (3)"; and

(d) by omitting from subsection (3) all words commencing with the words "Where a male" and ending with the words "his personal representative is entitled" and substituting the following expression:—

"Where a contributor for limited benefits dies before attaining the age for retirement and has completed less than 10 years' service at the time of his death and, in the case of a male contributor, leaves a widow or children, or in the case of a female contributor, leaves children who in the opinion of the Board were wholly dependent on such person when she died the widow of the male contributor, or, in any other case, the contributor's personal representative, is entitled".

**14. Amendment of s. 36. Increases in rates of benefits.** (1) Section 36 of the Principal Act is amended—

(a) by omitting provision (b) from subsection (2) and substituting the following expression:—

"(b) the date at which the increased rate is to be ascertained— increased, where in the instant case the pension in question became payable to the person concerned before 1st July, 1973, by one."; and

(b) by adding at the end thereof, the following subsection:—

"(4) This section shall not apply in relation to contributor's pension, incapacity pension, widow's pension or child's pension entitlement to which arises on or after 1st July 1974 or so as to increase in respect of any period, or part of a period, occurring on or after 1st July 1974, the rate of any pension payable under this Act."

(2) Paragraph (a) of subsection (1) shall be deemed to have come into operation as from the commencement of the first pay period, within the meaning of section 36A of the Principal Act as amended by this Act, that shall have occurred in the year commencing 1st January 1974 and shall have effect retrospectively accordingly.

**15. New s. 36A.** (1) The Principal Act is amended by inserting after section 36 the following section:—

“**36A. Adjustment of pensions.** (1) In this section unless the contrary intention appears—

“basic rate” in relation to a pension, means the rate at which the pension was payable under Division I or II or III when it came into force;

“Index” means the table described as the “Consumer Price Index Numbers—All Groups, Brisbane” that is published by the Commonwealth Statistician under the authority of the *Census and Statistics Act 1905–1966*;

“pay-period” means the period with respect to which the fortnightly or other periodic instalment of pension is payable in pursuance of section 38.

(2) Subject to this section, a pension under this Act shall be adjusted by the Board in each year in accordance with this section.

(3) The Government Statistician shall, as soon as practicable after the thirtieth of June in the year 1974 and in each year thereafter, give to the Minister a notice specifying the percentage (expressed to a degree of accuracy of not more than one decimal place) by which the Index for the quarter ended on that day is greater or less than the Index for the same quarter in the immediately preceding year.

(4) On receipt of a notice under subsection (3), the Minister shall, by order—

(a) declare the percentage by which pensions shall be adjusted (whether by way of increase or decrease) in the year commencing on the first day of October next after the quarter firstmentioned in that subsection; or

(b) if, by reason of the operation of subsection (9), no adjustment is to be made in respect of that year, declare that pensions shall not be adjusted in respect of that year.

(5) A percentage declared under paragraph (a) of subsection (4) in respect of any year shall be the same as the percentage specified in the notice given to the Minister under subsection (3).

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

(a) by increasing, or as the case may require by decreasing, the rate at which immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that year under subsection (4); and

(b) so as to operate from and including the commencement of the first pay period occurring in the month of October in that year.

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

- (a) in the case of a pension that comes into force after 1st September in any year, the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period in the month of October in the second year after the year in which the pension comes into force;
- (b) in the case of a pension that comes into force on or before 1st September in any year, the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period in the month of October immediately following that day; and
- (c) the annual amount by which a pension to which paragraph (b) applies is to be increased or decreased shall be calculated in accordance with the prescribed formula.

(8) For the purposes of paragraph (c) of subsection (7), the prescribed formula is the formula—

$$V = A \times \frac{M}{12};$$

where—

V represents the annual amount referred to in that paragraph;

A represents the amount by which, but for the operation of that subsection, the pension would have been increased or decreased; and

M represents the number of whole months from the day on which the pension came into force until the following 30th September (both days inclusive).

(9) Except as provided in subsection (10), where the percentage specified in a notice under subsection (3) in respect of any year is less than one no adjustment of pensions shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any two or more successive years is less than one but those percentages are in the aggregate, equal to, or greater than one (whether by way of increase or decrease), pensions shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

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

(12) Where—

- (a) by reason solely of the operation of subsection (11) a pension is being paid at the basic rate; and

(b) an adjustment, by way of increase, is required to be made to the rate of that pension in respect of any year, that adjustment shall be made as if, immediately before the making of the adjustment, the pension were payable at the rate at which, but for the operation of that subsection, it would have been payable.”.

(2) This section shall come into operation on 1st July 1974.

**16. Repeal of and new s. 41.** Section 41 of the Principal Act is repealed and the following section substituted:—

“**41. Reduction in contributor’s pension when continued in his employment after attaining age for retirement.** A contributor who continues in his employment as an officer after attaining the age for retirement shall, in lieu of the pension to which but for this section he would have been entitled, be entitled to a pension at the rate of two-sevenths of the pension to which he would have been entitled but for this section and in addition five-sevenths of any pension attributable to additional contribution under subsection (4) of section 24, whilst he continues in such employment.”.

**17. Amendment of s. 46. Right to prepay contributions.** Section 46 of the Principal Act is amended—

(a) by renumbering that section as subsection (1); and

(b) by inserting after subsection (1) the following subsection:—

“(2) Where a contributor who elects to retire at any time within the period of five years immediately preceding the day on which he would attain the age for retirement, has commuted wholly or in part any contributions under the Act attributable to any period after the date of his retirement he is, in addition to any pension entitlement under this Act, entitled to be paid from the Fund such sum of money in respect of such contribution as is determined by the Actuary and approved by the Board.”.

**18. Amendment of s. 51. Contribution to the Fund by the State and by State authorities.** Section 51 of the Principal Act is amended by inserting after subsection (1) the following subsection:—

“(1A) Subject to subsection (2) the Treasurer on behalf of the Crown shall pay to the Fund a contribution comprising an amount certified by the Actuary as the amount of each payment by way of pension or other benefit under this Act made out of the Fund that is attributable to the portion to be borne by the Fund of any additional benefit arising by reason of the provisions of paragraphs (c), (d) and (e) of the definition of the term “service” in section 4 (1) as inserted by section 5 the *Superannuation Acts Amendment Act 1974*.”.

**19. Amendment of s. 62. Returns.** Section 62 of the Principal Act is amended by inserting in subsection (1) after the words “The Public Service Board”, the words “or other person or authority by whom officers are employed or having by law supervision or control in relation to officers’ employment”.

**20. Amendment of s. 63. Pensioners rejoining service.** Section 63 of the Principal Act is amended—

(a) by omitting from subsection (1) the words “ a pensioner who has elected to retire within the period of five years immediately preceding the day on which he would attain the age for retirement is reappointed to a position as an officer he is not obliged, and shall not be permitted, to contribute to the Fund as provided in Part III ” and substituting the words “ a contributor under the 1958 Act or this Act who elected to retire within the period of five years immediately preceding the day on which he would attain the age for retirement and thereby became entitled to pension under this Act or to annuity benefit under the 1958 Act, is reappointed to a position as an officer he is not obliged and shall not be permitted to contribute to the Fund as provided in Part III of this Act or the 1958 Act ”; and

(b) by inserting in subsection (2), after the words “ under this Act ”, the words “ or the 1958 Act ”.

**21. Amendment of s. 64. Medical examinations.** Section 64 of the Principal Act is amended by omitting from subsection (1) the words “ before contributing to the Fund ” and substituting the words “ before being accepted as a contributor for full or limited benefits ”.

**22. Amendment of s. 73. Application of Act.** Section 73 of the Principal Act is amended—

(a) by omitting from subsection (3) the word “ and ” (where occurring after paragraph (b));

(b) by inserting in subsection (3) after paragraph (c), the following word and paragraph:—

“ ; and

(d) where an officer who is a contributor to the Fund under the 1958 Act pursuant to Part VA, produces to the Board evidence of good health satisfactory to the Board, units of incapacity benefit and, in the case of a male officer, units of assurance benefit (being units for which but for this section he would have been eligible or required to contribute under section 73D of the said Act) for which the officer elects to contribute within six months after becoming entitled so to do but not so that the number of units of incapacity benefit, and, in the case of a male officer, units of assurance benefit respectively for which as a result of the election he will be a contributor will exceed the number of units of annuity benefit for which he was a contributor immediately before the election.”; and

(c) by inserting after subsection (3), the following subsection:—

“ (3A) With respect to units of benefits for which an officer is entitled to elect to contribute pursuant to paragraph (d) of subsection (3), the Board may waive compliance with section 25 of the said Act to such extent as it deems fit in the circumstances of the case and the rate of salary of the officer shall be deemed to be the rate of the officer’s salary in force immediately before the commencement of this Act.”;

(d) by inserting in subsection (4), after the expression “ paragraph (b) or (c) ”, the expression “ or (d) ”; and

(e) by inserting in paragraph (b) of subsection (7), after the expression “ paragraph (b) or (c) ”, the expression “ (or (d) ”.

PART III—AMENDMENT OF THE PUBLIC SERVICE SUPERANNUATION ACT  
1958–1972

**23. Citation.** (1) The *Public Service Superannuation Act* 1958–1972 is in this Part referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Public Service Superannuation Act* 1958–1974.

**24. Amendment of s. 20. Contributions by officers.** Section 20 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(5) Where a person ceased to be an officer within the meaning of section 4 but before the expiration of one month after so ceasing again becomes such an officer, the person may, where the Board so approves (whether subject to conditions or unconditionally) on the written application of that person, be permitted to contribute to the Fund in respect of the period between his so ceasing to be an officer and his again becoming an officer and where with the approval of the Board a person is permitted to contribute to the Fund under this subsection that person shall, for the purposes of this Act be deemed to be and to have been an “officer” within the meaning of section 4 during the period in respect of which he so contributes and this Act shall apply in relation to him accordingly.”.

**25. Amendment of s. 28. Amount of contribution by the Crown.** Section 28 of the Principal Act is amended by omitting from paragraph (a) (secondly occurring) the words “or three”.

**26. Amendment of s. 30. Units of annuity benefit.** Section 30 of the Principal Act is amended by omitting subsection (3).

**27. Amendment of s. 34. Units of assurance benefit.** Section 34 of the Principal Act is amended by inserting in section 34, after subsection (1), the following subsection:—

“(1A) Where on or after 1st July 1974 a widow becomes entitled to receive assurance benefit under this Act and the person through whom the widow derives her entitlement was immediately before his death entitled to receive benefit under this Act, the assurance benefit to which the widow is entitled is assurance benefit calculated in accordance with the formula—

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

where—

P represents the annual amount of assurance benefit payable to the widow;

A represents the annual amount of assurance benefit that would have been payable to the widow but for this subsection;

B represents the annual amount of the benefit that was payable under this Act to the person through whom the widow in question derives her entitlement or, in a case where that person has made an election under section 39A or section 30 (2) applied with respect to him, that would have been payable but for the election or the said section 30 (2) immediately before the death of that person;

C represents the annual amount of the benefit (being the benefit to which the declaration as to " B " in this subsection refers) that was payable under this Act to the person through whom the widow derives her entitlement on that person becoming entitled to that benefit.

**28. Amendment of s. 36. Amount of additional assurance benefit.**

Section 36 of the Principal Act is amended by inserting after subsection (1) the following subsection:—

"(1A) Where on or after 1st July 1974 a child becomes entitled to additional assurance benefit under this Act and the person through whom the child derives his entitlement was immediately before his death entitled to receive annuity benefit or incapacity benefit under this Act, the additional assurance benefit to which the child is entitled is a benefit calculated in accordance with the formula—

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

where—

P represents the annual amount of the benefit payable to the child;

A represents the annual amount of the benefit that would have been payable to the child but for this subsection;

B represents the annual amount of the benefit that was payable under this Act to the person through whom the child in question derives his entitlement, or, in a case where that person had commuted the whole or part of his annuity benefit under Division VA, or that person is a person to whom section 30 (2) applied, that would have been payable but for the commutation or the said section 30 (2) immediately before the death of that person;

C represents the annual amount of the benefit (being the benefit to which the declaration as to " B " in this subsection refers) that was payable under this Act to the person through whom the child derives his entitlement on that person becoming entitled to that benefit."

**29. Amendment of s. 43A. Increases in rates of benefits.** (1) Section 43A of the Principal Act is amended—

(a) by omitting from subsection (2) the following expression:—

"increased, where in the case in question the date of commencement of the *Public Service Superannuation Act Amendment Act 1969* is later than the date on which occurred the earliest of such of the other events specified in subparagraph (a) of this definition as have occurred prior to the time with respect to which the increased rate is to be ascertained, by one."

and substituting the following expression:—

"increased or further increased—

(i) where in the case in question the date of commencement of the *Public Service Superannuation Act Amendment Act 1969* is later than the date on which occurred the earliest of such of the other events specified in subparagraph (a) of this definition as have occurred prior to the time with respect to which the increased rate is to be ascertained, by one;

(ii) where in the case in question the person to whom the benefit in question is payable has been continuously entitled to receive benefit under this Act since before 1st July 1973 and until the time at which the increase is to be ascertained, by one.”;

(b) by adding at the end thereof, the following subsection:—

“ (4) This section shall not apply in relation to annuity benefit, incapacity benefit, assurance benefit, or additional assurance benefit entitlement to which arises on or after 1st July 1974 or so as to increase in respect of any period, or part of a period, occurring on or after 1st July 1974, the rate of any benefit payable under this Act.”.

(2) Paragraph (a) of subsection (1) shall be deemed to have come into operation as from the commencement of the first pay-period, within the meaning of section 43B of the Principal Act as amended by this Act, that shall have occurred in the year commencing 1st January 1974 and shall have effect retrospectively accordingly.

**30. New ss. 43B and 43C.** (1) The Principal Act is amended by inserting after section 43A the following sections:—

“ **43B. Adjustment of pensions.** (1) In this section unless the contrary intention appears—

“ basic rate ”, in relation to a benefit, means the rate at which the benefit was payable under this Act when it came into force;

“ Index ” means the table described as the “ Consumer Price Index Numbers—All Groups, Brisbane ” that is published by the Commonwealth Statistician under the authority of the *Census and Statistics Act 1905–1966*;

“ pay-period ” means the period with respect to which the fortnightly or other periodic instalment of benefits is payable in pursuance of section 41 (3).

(2) Subject to this section, a benefit under this Act shall be adjusted by the Board in each year in accordance with this section.

(3) The Government Statistician shall, as soon as practicable after the thirtieth of June in the year 1974 and in each year thereafter, give to the Minister a notice specifying the percentage (expressed to a degree of accuracy of not more than one decimal place) by which the Index for the quarter ended on that day is greater or less than the Index for the same quarter in the immediately preceding year.

(4) On receipt of a notice under subsection (3), the Minister shall, by order—

(a) declare the percentage by which benefits shall be adjusted (whether by way of increase or decrease) in the year commencing on the first day of October next after the quarter first mentioned in that subsection; or

(b) if, by reason of the operation of subsection (9), no adjustment is to be made in respect of that year, declare that benefits shall not be adjusted in respect of that year.



(5) A percentage declared under paragraph (a) of subsection (4) in respect of any year shall be the same as the percentage specified in the notice given to the Minister under subsection (3).

(6) An adjustment of a benefit in respect of any year made under this section shall be made—

(a) by increasing, or as the case may require by decreasing, the rate at which immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that year under subsection (4); and

(b) so as to operate from and including the commencement of the first pay-period occurring in the month of October in that year.

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

(a) in the case of a benefit that comes into force after 1st September in any year, the first adjustment of that benefit shall be made so as to operate from and including the commencement of the first pay-period in the month of October in the second year after the year in which the benefit comes into force;

(b) in the case of a benefit that comes into force on or before 1st September in any year, the first adjustment of that benefit shall be made so as to operate from and including the commencement of the first pay-period in the month of October immediately following that day; and

(c) the annual amount by which a benefit to which paragraph (b) applies is to be increased or decreased shall be calculated in accordance with the prescribed formula.

(8) For the purposes of paragraph (c) of subsection (7), the prescribed formula is the formula—

$$V = A \times \frac{M}{12},$$

where—

V represents the annual amount referred to in that paragraph;

A represents the amount by which, but for the operation of that subsection, the benefit would have been increased or decreased; and

M represents the number of whole months from the day on which the benefit came into force until the following 30th September (both days inclusive).

(9) Except as provided in subsection (10), where the percentage specified in a notice under subsection (3) in respect of any year is less than one per centum no adjustment of benefits shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any two or more successive years is less than one per centum but those percentages are in the

aggregate, equal to, or greater than one per centum (whether by way of increase or decrease), benefits shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

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

(12) Where—

(a) by reason solely of the operation of subsection (11), a benefit is being paid at the basic rate; and

(b) an adjustment, by way of increase, is required to be made to the rate of that benefit in respect of any year, that adjustment shall be made as if, immediately before the making of the adjustment, the benefit were payable at the rate at which, but for the operation of that subsection, it would have been payable.

**43C. Adjustment of pension where entitlement follows a former entitlement.** Where on or after 1st July 1974 a person becomes entitled to a pension under a provision of Division I or II (hereinafter in this section referred to as the “subsequent pension”) and the person was, immediately before becoming so entitled, entitled to a pension under such a provision (hereinafter in this section referred to as the “former pension”) and has not since becoming entitled to the former pension resumed his employment as an officer, the pension to which the person is entitled is a pension calculated in accordance with the formula—

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

where—

P represents the annual amount of the pension payable to the person;

A represents the annual amount of the pension that would have been payable to the person but for this section;

B represents the annual amount of the former pension that was payable under this Act to the person immediately before becoming entitled to the subsequent pension;

C represents the annual amount of the former pension that was payable to the person on his becoming entitled thereto.”

(2) This section shall come into operation on 1st July 1974.

**31. Amendment of s. 77A. Entitlement to superannuation benefits on voluntary resignation.** Section 77A of the Principal Act is amended—

(a) by omitting subsection (6); and

(b) by adding at the end of the first paragraph of subsection (7) the words “and the reference in subparagraph (a) of the said subsection (2) to “the rate of one hundred dollars per annum per unit of annuity benefit” were a reference to “the rate per annum per unit of annuity benefit calculated by the Actuary and approved by the Board.””.

PART IV—AMENDMENT OF THE PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION ACT 1970–1971

**32. Citation.** (1) In this Part, the *Parliamentary Contributory Superannuation Act 1970–1971* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Parliamentary Contributory Superannuation Act 1970–1974*.

**33. Amendment of s. 18. Right to convert entitlement to lump sum entitlement.** Section 18 of the Principal Act is amended—

(a) by omitting from subsection (6) the words “ the consequences referred to in subsection (1) of section 24 of this Act would become applicable in relation to a member ” and substituting the words “ a member would become, or but for the provisions of subsection (2) of section 24 would become, a person to whom paragraph (a), (b) or (c) of subsection (1) of the said section relates ”;

(b) by omitting from subsection (9) the words “ section 24 of this Act applies ” and substituting the words “ paragraph (a), (b) or (c) of subsection (1) of section 24 relates ”;

(c) by adding at the end of subsection (9) the words “ except where being a person to whom the said paragraph (c) relates his appointment to the office or place of profit in question was made after he last ceased to be a member ”;

(d) by omitting from subsection (10) the words “ section 24 of this Act applies ” and substituting the words “ paragraph (a), (b) or (c) of subsection (1) of section 24 relates or having become such a person the said subsection (1) is deemed not to apply to or in relation to him ”; and

(e) by inserting in paragraph (b) of subsection (12), after the expression “ section 25 ” (wherever occurring), the expression “ and section 25A.”

**34. Amendment of s. 20. Pension for widows.** Section 20 of the Principal Act is amended by inserting, after subsection (1), the following subsection:—

“(1A) Where on or after 1st July 1974 a widow becomes entitled to receive a pension under subsection (1) and the person through whom the widow derives her entitlement was immediately before his death entitled to receive a pension under this Act, the annual pension to which the widow is entitled is a pension calculated in accordance with the formula—

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

where—

P represents the annual amount of pension payable to the widow;

A represents the annual amount of pension that would have been payable to the widow but for this subsection;

B represents the annual amount of the pension that was payable under this Act to the person through whom the widow in question derives her entitlement or, in a case where that person has made an election under section 18; or section 24 applied with respect to him, that would have been payable but for the election or the said section 24, immediately before the death of that person;

C represents the annual amount of the pension (being the pension to which the declaration as to " B " in this subsection refers) that was payable under this Act to the person through whom the widow derives her entitlement on that person becoming entitled thereto.

**35. Amendment of s. 21. Payments to Children.** Section 21 of the Principal Act is amended by omitting from subsection (3) the words " section 25 of ".

**36. Amendment of s. 24. Reduction of pension in certain cases.** Section 24 of the Principal Act is repealed and the following section substituted:—

**" 24. Reduction of pension in certain cases. (1) If—**

- (a) a person who is receiving or is entitled to receive a pension under this Act again becomes a member of the Legislative Assembly;
- (b) a person who is receiving or is entitled to receive a pension under this Act becomes a member of the Parliament of the Commonwealth or of any State (including Queensland) and receives or is entitled to receive any salary or parliamentary allowance in the nature of salary in respect of his office as such member; or
- (c) a person (being a person who has ceased to be a member) who is receiving or is entitled to receive a pension under this Act holds any office or place of profit under the Crown, whether in Queensland or elsewhere, for which he is remunerated or entitled to be remunerated out of moneys of the Crown,

then, whilst such person continues to be such a member or, as the case may be, to hold such an office or place of profit the following consequences ensue, namely:—

- (d) if the salary or parliamentary allowance, or as the case may be, the remuneration which the person receives or is entitled to receive as such a member or, as the case may be, the holder of such an office or place of profit is at a rate equal to or greater than his pension under this Act, that pension shall not be payable;
- (e) if the salary or parliamentary allowance or, as the case may be, the remuneration which the person receives or is entitled to receive as such a member or, as the case may be, the holder of such an office or place of profit is at a rate less than that of his pension under this Act; the rate of that pension shall be reduced by the rate of the salary, allowance or, as the case may be, remuneration.

(2) Subsection (1) shall be deemed not to apply to or in relation to a person in respect of the holding of an office or place of profit referred to in paragraph (c) of that subsection where the appointment to the office or place of profit in question was made after that person last ceased to be a member.

(3) Where a person who, but for the provisions of subsection (1) would have been entitled to a pension under this Act dies, the widow of that person, any child or children of that person and any

female member of that person's family named in a notice given to the trustees as prescribed by subsection (1) of section 22 shall be entitled to receive the same pension or payments under this Act as she or they would have been entitled to receive if the person first mentioned in this subsection had not been a person to whom the consequences mentioned in subsection (1) were applicable and was at the time of his death in receipt of his full pension entitlement under this Act."

**37. Amendment of s. 25. Increase in rates of pensions, etc.** (1) Section 25 of the Principal Act is amended—

(a) by omitting provision (b) from subsection (2) and substituting the following expression:—

"(b) the date at which the increased rate is to be ascertained— increased, where in the instant case the pension in question became payable to the person concerned before 1st July, 1973, by one"; and

(b) by adding at the end thereof, the following subsection:—

"(4) This section shall not apply in relation to pension entitlement to which arises on or after 1st July 1974 or so as to increase in respect of any period, or part of a period, occurring on or after 1st July 1974 the rate of any pension payable under this Act".

(2) Paragraph (a) of subsection (1) shall be deemed to have come into operation as from the commencement of the first pay period, within the meaning of the section 25A of the Principal Act as amended by this Act, that shall have occurred in the year commencing 1st January 1974 and shall have effect retrospectively accordingly.

**38. New s. 25A.** (1) The Principal Act is amended by inserting after section 25 the following section:—

"**25A. Adjustment of pensions.** (1) In this section unless the contrary intention appears—

"basic rate" in relation to a pension, means the rate at which the pension was payable under section 17, 19, 20 or 22 when it came into force;

"Index" means the table described as the "Consumer Price Index Numbers—All Groups, Brisbane" that is published by the Commonwealth Statistician under the authority of the *Census and Statistics Act 1905-1966*;

"pay-period" means the period with respect to which the fortnightly instalment of pension is payable in pursuance of section 32.

(2) Subject to this section, a pension under this Act shall be adjusted by the trustees in each year in accordance with this section.

(3) The Government Statistician shall, as soon as practicable after the thirtieth of June in the year 1974, and in each year thereafter, give to the Treasurer a notice specifying the percentage (expressed to a degree of accuracy of not more than one decimal place) by which the Index for the quarter ended on that day is greater or less than the Index for the same quarter in the immediately preceding year.

(4) On receipt of a notice under subsection (3), the Treasurer shall, by order—

- (a) declare the percentage by which pensions shall be adjusted (whether by way of increase or decrease) in the year commencing on the first day of October next after the quarter first mentioned in that subsection; or
- (b) if, by reason of the operation of subsection (9), no adjustment is to be made in respect of that year, declare that pensions shall not be adjusted in respect of that year.

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

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

- (a) by increasing, or as the case may require by decreasing, the rate at which immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that year under subsection (4); and
- (b) so as to operate from and including the commencement of the first pay period occurring in the month of October in that year.

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

- (a) in the case of a pension that comes into force after 1st September in any year, the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period in the month of October in the second year after the year in which the pension comes into force;
- (b) in the case of a pension that comes into force on or before 1st September in any year, the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period in the month of October immediately following that day; and
- (c) the annual amount by which a pension to which paragraph (b) applies is to be increased or decreased shall be calculated in accordance with the prescribed formula.

(8) For the purposes of paragraph (c) of subsection (7), the prescribed formula is the formula—

$$V = A \times \frac{M}{12},$$

where—

- V represents the annual amount referred to in that paragraph;
- A represents the amount by which, but for the operation of that subsection, the pension would have been increased or decreased; and

M represents the number of whole months from the day on which the pension came into force until the following 30th September (both days inclusive).

(9) Except as provided in subsection (10), where the percentage specified in a notice under subsection (3) in respect of any year is less than one no adjustment of pensions shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any two or more successive years is less than one but those percentages are in the aggregate, equal to, or greater than, one (whether by way of increase or decrease), pensions shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

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

(12) Where—

(a) by reason solely of the operation of subsection (11) a pension is being paid at the basic rate; and

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

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

(2) This section shall come into operation on 1st July, 1974.

**39. Amendment of s. 30. Increase in rates of annuities, etc.** (1) Section 30 of the Principal Act is amended—

(a) by inserting in subsection (2), after the words “increased by two”, the words “or, where the pension in question became payable to the person concerned before 1st July, 1973, by three.”;

(b) by adding at the end thereof, the following subsection:—

“(4) This section shall not apply in relation to annuity entitlement to which arises on or after 1st July 1974 or so as to increase in respect of any period, or part of a period, occurring on or after 1st July, 1974, the rate of any pension payable under this Act.”

(2) Paragraph (a) of subsection (1) shall be deemed to have come into operation as from the commencement of the first pay period, within the meaning of the section 30A of the Principal Act as amended by this Act, that shall have occurred in the year commencing 1st January 1974 and shall have effect retrospectively accordingly.

40. New s. 30A. (1) The Principal Act is amended by inserting after section 30 the following section:—

“ 30A. **Adjustment of annuities.** (1) In this section unless the contrary intention appears—

“ basic rate ” in relation to an annuity, means the rate at which the annuity was payable under the repealed Acts specified in Schedule or this Part when it came into force;

“ Index ” means the table described as the “ Consumer Price Index Numbers—All Groups, Brisbane ” that is published by the Commonwealth Statistician under the authority of the *Census and Statistics Act 1905–1966*;

“ pay-period ” means the period with respect to which the fortnightly or other periodic instalment of annuity is payable in pursuance of this Act.

(2) Subject to this section, an annuity preserved and continued under this Part or arising thereunder shall be adjusted by the trustees in each year in accordance with this section.

(3) The Government Statistician shall, as soon as practicable after the thirtieth of June in the year 1974, and in each year thereafter, give to the Treasurer a notice specifying the percentage (expressed to a degree of accuracy of not more than one decimal place) by which the Index for the quarter ended on that day is greater or less than the Index for the same quarter in the immediately preceding year.

(4) On receipt of a notice under subsection (3), the Treasurer shall, by order—

(a) declare the percentage by which annuities shall be adjusted (whether by way of increase or decrease) in the year commencing on the first day of October next after the quarter first mentioned in that subsection; or

(b) if, by reason of the operation of subsection (9), no adjustment is to be made in respect of that year, declare that annuities shall not be adjusted in respect of that year.

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

(6) An adjustment of an annuity in respect of any year made under this section shall be made—

(a) by increasing, or as the case may require by decreasing, the rate at which immediately before the making of the adjustment, the annuity was payable by the percentage declared in respect of that year under subsection (4); and

(b) so as to operate from and including the commencement of the first pay period occurring in the month of October in that year.



(7) The following provisions apply to and in relation to the first adjustment of an annuity pursuant to this section if at the time when the adjustment is to be made the annuity has been in force for less than twelve months; namely:—

- (a) in the case of an annuity that comes into force after 1st September in any year, the first adjustment of that annuity shall be made so as to operate from and including the commencement of the first pay-period in the month of October in the second year after the year in which the pension comes into force;
- (b) in the case of an annuity that comes into force on or before 1st September in any year, the first adjustment of that annuity shall be made so as to operate from and including the commencement of the first pay-period in the month of October immediately following that day; and
- (c) the annual amount by which an annuity to which paragraph (b) applies is to be increased or decreased shall be calculated in accordance with the prescribed formula.

(8) For the purposes of paragraph (c) of subsection (7), the prescribed formula is the formula—

$$V = A \times \frac{M}{12},$$

where—

V represents the annual amount referred to in that paragraph;

A represents the amount by which, but for the operation of that subsection, the annuity would have been increased or decreased; and

M represents the number of whole months from the day on which the annuity came into force until the following 30th September (both days inclusive)

(9) Except as provided in subsection (10), where the percentage specified in a notice under subsection (3) in respect of any year is less than one no adjustment of annuities shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any two or more successive years is less than one but those percentages are in the aggregate, equal to, or greater than, one (whether by way of increase or decrease), annuities shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

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

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(12) Where—

(a) by reason solely of the operation of subsection (11) an annuity is being paid at the basic rate; and

(b) an adjustment, by way of increase, is required to be made to the rate of that annuity in respect of any year, that adjustment shall be made as if, immediately before the making of the adjustment, the annuity were payable at the rate at which, but for the operation of that subsection, it would have been payable.”.

(2) This section shall come into operation on 1st July 1974.