



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 53 of 1974

**An Act Relating to the provisions of superannuation benefits
for members of the Police Force, to make provision
for the families of those members, and for other
purposes**

[ASSENTED TO 27TH SEPTEMBER, 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 *Police Superannuation Act 1974*.

(2) Subject to subsection (3), this Act shall commence on the first day of January, 1975.

(3) Subsection (1) of section 70, so far as it amends sections 42, 44 (by inserting subsection (1A)), 51A (by amending subsection (2) and adding subsection (6)) and 65A (by amending subsection (2) and adding subsection (5)) of the *Police Superannuation Act 1968-1971*, and subsections (4), (5), (6), (7) and (8) of the said section 70 shall come into operation on the day on which this Act is assented to by or on behalf of the Crown.

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

PART I—PRELIMINARY (ss. 1–4);

PART II—ADMINISTRATION (ss. 5–20);

PART III—CONTRIBUTIONS (ss. 21–25);

PART IV—BENEFITS AND PAYMENTS (ss. 26–47);

Division I—Contributors' pensions and other benefits;

Division II—Widows' pensions;

Division III—Children's pensions;

Division IV—Refund of contributions;

Division V—Adjustment of pensions;

Division VI—General provisions as to pensions;

Division VII—Conversion of pension entitlement into a lump sum payment;

PART V—FINANCIAL PROVISIONS (ss. 48–50);

PART VI—MISCELLANEOUS (ss. 51–68);

PART VII—APPLICATION AND AMENDMENT OF POLICE SUPERANNUATION ACT 1968–1971 (ss. 69–70).

3. Application of Act. This Act applies to and in relation to—

(a) a person who becomes a member on or after the commencement of this Act;

(b) a person—

(i) who was a member of the Police Force within the meaning of the 1968 Act immediately before the commencement of this Act;

(ii) who continues on the said commencement to be a member; and

(iii) who is not a continuing contributor;

(c) a continuing contributor;

(d) a person to whom section 54 of the 1968 Act relates who again becomes a member after the commencement of this Act;

(e) a widow of any person referred to in paragraph (a), (b), (c) or (d); and

(f) a child of any person referred to in paragraph (a), (b), (c), (d) or (e) or of the deceased or divorced wife of any such person,

but unless a member being a person to whom paragraph (b) relates—

(g) who, not being bound to contribute under the 1968 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 1968 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 thereof, this Act shall be deemed not to apply, or to have at any time applied, to and in relation to that member.

4. Interpretation of terms. (1) In this Act unless the contrary intention appears—

“Actuary” means a fellow or associate of the Institute of Actuaries (London), a fellow or associate of the Faculty of Actuaries (Edinburgh), or any other person whose actuarial knowledge and experience the Governor in Council deems sufficient, appointed under this Act as Actuary;

“age for retirement” means

(a) in the case of the Commissioner of Police, the age of sixty-five years; and

(b) in the case of any member (other than the Commissioner), the age of sixty years;

“Board” means the Police Superannuation Board constituted under section 6;

“child”, in relation to a contributor or pensioner, a widow of a contributor or pensioner, or a deceased or divorced wife of a contributor or pensioner, means a person who—

(a) is under the age of sixteen years; and

(b) is not an offspring of—

(i) a marriage of a pensioner contracted after his retirement; or

(ii) the remarriage of a widow of a contributor or pensioner after his death or of a divorced wife,

and includes—

(c) a person over that age but under the age of twenty-one years who is receiving, in the opinion of the Board, full time education at a school, college or university;

“child’s pension” means a pension payable under Division III of Part IV;

“commencement of this Act” means the date upon which, save as provided in subsection (3) of section 1, this Act comes into operation;

“continuing contributor” means a contributor who immediately before the commencement of this Act was a contributor under the 1968 Act and who on the said commencement continued to be a contributor under the said Act and includes—

(a) a person to whom subsection (3) of section 24 relates who having been a contributor under the 1968 Act or an Act repealed by that Act again becomes a member after the commencement of this Act;

(b) a person who became a member before the said commencement and who had elected, or was required, to contribute to the Fund under the 1968 Act but who had not commenced his contributions before that commencement;

“contributor” means a member who contributes under this Act to the Fund and includes—

(a) a member who is required to contribute thereto but has not commenced his contributions;

(b) a member who has ceased to contribute thereto by reason of his age or incapacity;

- “contributor’s pension” means a pension that is payable under this Act to a contributor other than an incapacity pension;
- “final average increase in salary” in relation to a continuing contributor means the amount by which—
- (a) the average annual salary received by the contributor during the three years immediately preceding his attaining the age for retirement or his earlier retirement from or death in service, exceeds—
 - (b) the annual salary that the member would have received during the three years immediately preceding his attaining the age for retirement or his earlier retirement from or death in service had his salary remained constant at the rate in force at the date immediately before the commencement of this Act or, where the contributor is a person to whom subsection (3) of section 24 relates, the rate in force at the date when he was retired on the grounds of incapacity as mentioned in that subsection;
- “final average salary” in relation to a contributor means the average annual salary received by the contributor during the three years immediately preceding his attaining the age for retirement or his earlier retirement from or death in service;
- “Fund” means the Police Superannuation Fund preserved, continued in existence and established under this Act;
- “incapacity” means any mental or bodily infirmity by reason whereof a member is unfit to discharge or incapable of discharging the duties of his office efficiently;
- “incapacity pension” means a pension that is payable under this Act to a contributor who before attaining the age for retirement is retired or permitted to retire on the grounds of incapacity not due to wilful action on the part of such person for the obtaining of such pension;
- “manager” means the manager of the Fund and the chief executive officer of the Board and includes the person who for the time being occupies that office or performs the duties of the office;
- “medical practitioner” means a medical practitioner or a specialist within the meaning of section 4 of the *Medical Act 1939-1973*;
- “Minister” means the Minister for Works and Housing or other Minister of the Crown for the time being charged with the administration of this Act;
- “member” means a member of the Police Force as defined in section 4 of the *Police Act 1937-1973*;
- “retired” in relation to employment as a member, means retired or required to retire from that employment by the Governor in Council or the Commissioner of Police;
- “salary” means the remuneration ordinarily received in money by a member as the ordinary pay of his rank: The term does not include any allowance in kind or any money paid to the member by way of allowance other than an allowance which is solely in the nature of an increase in the remuneration received in money by him as the ordinary pay of his rank;

“ service ” means any period during which a person contributes, whether before or after the commencement of this Act, to the Fund under this Act, the 1968 Act or any Act repealed by the 1968 Act and includes any period in respect of which he is or was required to contribute thereto and before the first of his contribution is or was paid to the Fund;

“ the 1968 Act ” means the *Police Superannuation Act 1968-1974*;

“ widow’s pension ” means a pension payable under Division II of Part IV.

(2) For the purposes of the definition of “ service ” in subsection (1)—

(a) where a person having been retired or permitted to retire from his employment as a member and having been in receipt of an incapacity pension under this Act or incapacity benefit under the 1968 Act or incapacity allowance preserved and continued by that Act, again becomes a member the period during which he was so absent shall be deemed to comprise part of his service; and

(b) where a person has received a refund of his contribution to the Fund or the Police Superannuation Fund established under the repealed provisions as defined in section 4 of the 1968 Act whether under this Act or, in relation to annuity benefit, under the 1968 Act or, in relation to superannuation allowances, under the said repealed provisions and has subsequently recommenced contributing to the Police Superannuation Fund or the Fund his employment before the date on which he recommenced shall be deemed not to comprise part of his service.

(3) Any moneys that become payable to or in relation to a contributor after his death or retirement by reason of an increase in the salary of a position held by him at any time during the period of three years immediately preceding his attainment of the age for retirement or his earlier retirement from or death in service (being an increase having effect as from a date occurring within that period) shall for the purposes of this Act be regarded as part of the salary received by him during that period.

(4) For the purposes of the definition of “ final average salary ” in subsection (1) a reference to the period of three years immediately preceding his attaining the age for retirement or his earlier retirement from or death in service shall, in the case of a contributor whose length of service at the time of his retirement or death is less than three years be read as a reference to his actual period of service.

(5) For the purposes of the definition of “ final average increase in salary ” in subsection (1), a reference to the period of three years immediately preceding his attaining the age for retirement or his earlier retirement from or death in service shall be a reference to a period after the commencement of this Act and shall in the case of a continuing contributor whose length of service after the commencement of this Act at the time of his retirement or death is less than three years, be read as a reference to his actual period of service after the said commencement.

(6) A reference in this Act to a period expressed in years shall, where appropriate, be read as including a reference to a period expressed in years together with a fraction of a year being a fraction consisting of a completed whole month or two or more such months.

(7) Where at any time during the period of three years immediately preceding the time of his attaining the age for retirement or his earlier retirement from or death in service a contributor has been absent on secondment to employment other than as a member or on leave of absence on less than full pay, his final average salary or his final average increase in salary shall be calculated as if he continued to receive his full pay as a member during the whole of that period.

PART II—ADMINISTRATION

5. Administration. This Act shall be administered by the Minister and, subject to the Minister, by the Board.

6. Police Superannuation Board. (1) For the purposes of this Act and the 1968 Act there shall be a Board to be known as the "Police Superannuation Board".

(2) The Board shall consist of five persons appointed by the Governor in Council upon the nomination of the Minister.

(3) The Minister shall nominate for appointment to the Board two members who, being contributors, are approved by the Minister as respectively representative of the contributors who are members of the Queensland Police Officers' Union of Employees and the contributors who are members of the Queensland Police Union of Employees and whose names have been submitted to the Minister for such approval by the Queensland Police Officers' Union of Employees and the Queensland Police Union of Employees respectively.

(4) If either of the unions mentioned in subsection (3) has ceased to exist, the Governor in Council may by Order in Council prescribe the manner of and provide for the naming of a member for approval by the Minister as a representative of the contributors having interests similar to the members of the Police Force whereof the union was formerly composed.

(5) In respect of every appointment of the whole number of members of the Board, the Minister shall cause the unions mentioned in subsection (3) to be notified by such means as he deems fit of a date on or before which he requires that they respectively furnish to him the name of the member who is a contributor to be submitted by the union for the purposes of subsection (3).

(6) If, in respect of any appointment of the whole number of the members of the Board, either such union fails to submit to the Minister, on or before the date notified pursuant to subsection (5) the name of a member who is a contributor and who is then approved by the Minister as the representative of the contributors who are members of the union concerned, the Minister may nevertheless nominate for appointment as a member of the Board, representative of the contributors who are members of the union concerned, a member who is a contributor and a member of that union and such member may be appointed a member of the Board and shall be deemed to be such representative.

(7) Notice of appointment of any person to be a member of the Board (including to fill any casual vacancy) shall be published in the Gazette.

(8) The members of the Board shall be appointed for three years and subject to this Act any member shall be eligible for reappointment.

(9) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member, or deputy of a member, of the Board under this Act, or from accepting and retaining any remuneration payable to a member.

(10) The Board shall have the powers, authorities, duties and functions conferred or imposed upon it by this Act or the 1968 Act.

(11) The Police Superannuation Board as constituted immediately before the commencement of this Act shall, notwithstanding the provisions of section 70, continue in existence and be the Board within the meaning of the 1968 Act and this Act until the thirtieth day of June 1975 or until the Police Superannuation Board is first constituted under this Act whichever is the earlier.

7. Board to be body corporate. (1) The Board shall be a body corporate under the name prescribed by subsection (1) of section 6 and by that name shall have perpetual succession and an official seal and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding, leasing and disposing of property, real and personal, movable and immovable, and of doing and suffering all such other acts, matters and things, as bodies corporate may by law do and suffer.

(2) All courts, judges, and persons acting judicially shall take judicial notice of all appointments of members of the Board and of their respective signatures as well as of the appointment of the manager and of his signature, and of the seal of the Board affixed to any document or other writing whatsoever, and, until the contrary is proved, shall presume that every such signature or such seal, as the case may be, was duly affixed to any document or other writing whatsoever.

8. Chairman of the Board. (1) The Governor in Council shall appoint one of the members of the Board to be chairman of the Board.

(2) The Governor in Council may appoint another member of the Board to be the deputy chairman of the Board.

(3) The deputy chairman may act for the chairman during any illness, suspension from his employment as a member or, in the case of a person who is not a member, any employment or office held by him under the Crown, or absence of the chairman and, while so acting, shall have all the powers and authority of the chairman.

(4) Where a casual vacancy occurs in the office of the chairman, the Governor in Council shall appoint a member of the Board to fill that vacancy.

(5) The chairman or deputy chairman may resign his office as such by writing under his hand delivered to the Minister.

9. Filling of casual vacancies. (1) Where a casual vacancy occurs in the office of a member of the Board, the Governor in Council may appoint a person nominated by the Minister to fill that vacancy.

(2) If the vacancy is in the office of a member representative of contributors who are members of a Union that may pursuant to section 6, or any Order in Council made thereunder, be required to furnish to the Minister the name of a member for the purposes of subsection (3) of the said section, subsections (5) and (6) of section 6 shall with and subject to all necessary adaptations, apply.

(3) Any person appointed to the Board pursuant to this section shall hold office for the residue of his predecessor's term of office.

10. Temporary appointments. (1) In respect of the illness, absence or suspension from his employment as a member, or, in the case of a person who is not a member, any employment or office held by him under the Crown, of any member of the Board, the Governor in Council may appoint a deputy to act for the member during all occasions of his illness, absence or suspension and every deputy so appointed shall, while so acting, have all the powers and authority of a member, but no such deputy shall act as chairman.

(2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the place of a member or as to the necessity or propriety of any appointment of a deputy, and all acts or things done or omitted by a person when so acting shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the member in whose place such person is acting.

11. Vacation of office. (1) The office of a member of the Board shall become vacant if such member—

- (a) dies or becomes mentally sick;
- (b) becomes bankrupt or compounds with his creditors, or otherwise takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (c) is absent without leave granted by the Board from four consecutive ordinary meetings of the Board of which due notice has been given to him;
- (d) resigns his office by writing under his hand delivered to the Minister;
- (e) in the case of a member who is representative of contributors, ceases to be a member of the Police Force;
- (f) is convicted of an indictable offence; or
- (g) is removed from office by the Governor in Council for misbehaviour or incompetence by notification published in the Gazette.

(2) The attendance of any member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason that no quorum is present no meeting is actually held on that day, and the names of all members who so attend shall be entered in the minute book.

(3) A member of the Board shall not act as such at any time when he is suspended from his employment as a member of the Police Force or, in the case of a person who is not a member of the Police Force, from any employment or office held by him under the Crown.

12. Remuneration. (1) Each member of the Board shall receive such remuneration, if any, as the Governor in Council may from time to time determine.

(2) Any determination made under subsection (1) may from time to time be revoked or amended.

13. Manager of the Fund. (1) The holder for the time being of the office of Secretary, Office of the Commissioner of Police, or the person for the time being performing the duties of the holder of that office shall be the manager of the Fund. A member of the Board may in addition to that office hold the appointment of manager of the Fund.

(2) The manager of the Fund shall be the executive officer of the Board.

(3) The manager of the Fund shall have, exercise and perform such powers, authorities, duties and functions as may be prescribed by this Act or the 1968 Act or, in so far as not prescribed, as the Board may authorize or direct.

(4) The manager of the Fund shall have custody of the official seal of the Board and, subject to the Board, shall have power to execute documents and other writings whatsoever on behalf of the Board and affix the seal of the Board thereto or to any of them.

14. Proceedings of the Board. (1) The Board shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as not prescribed, as it may from time to time determine.

(2) Not less than three members of the Board shall form a quorum at any meeting of the Board, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise and perform all the powers, authorities, duties and functions of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present.

(4) If present at any duly convened meeting of the Board whereat the chairman is not present, the deputy chairman shall preside.

(5) If both the chairman and the deputy chairman are absent from any duly convened meeting, the members present shall elect one of their number who shall preside at the meeting.

(6) The person presiding at any meeting of the Board shall have a vote and when there is an equal division of votes upon any question shall have a second or casting vote.

(7) No act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.

(8) All acts and proceedings of the Board shall, notwithstanding any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such member had been duly appointed and was qualified and entitled to act and had acted as a member of the Board, and as if the Board had been properly and fully constituted.

15. Delegation. (1) The Board may, by instrument in writing under its common seal, delegate to a member of the Board or to an officer of the Board, either generally or otherwise as provided in the instrument of delegation, all or any of its powers, duties and functions (except the power of delegation).

(2) A power of delegation may be exercised by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Board.

16. Reports by Board. (1) The Board shall in each year make to the Minister a report upon the administration of this Act and the 1968 Act, and the Minister shall lay a copy of that report before the Legislative Assembly.

(2) When and so often as the Minister may require, the Board shall make to him such report as he requires concerning the administration of this Act and the 1968 Act.

17. Appointment of officers. (1) The Governor in Council may from time to time appoint officers including an actuary as he deems necessary for the effectual administration of this Act and the 1968 Act.

(2) Every appointee, save the actuary, shall be appointed and hold office under, subject to and in accordance with the *Public Service Act 1922-1973*.

(3) The actuary may be appointed under the *Public Service Act 1922-1973* but if not appointed thereunder, he shall be appointed for such term, at such remuneration, and upon such conditions, as the Governor in Council determines.

(4) Any person may be appointed to hold any such office in conjunction with any other office held by him under the *Public Service Act 1922-1973*.

18. The Fund. (1) For the purposes of this Act and the 1968 Act, the Police Superannuation Fund as established in the Treasury immediately before the commencement of this Act is hereby preserved, continued in existence and established in the Treasury under this Act under the name "Police Superannuation Fund".

(2) All contributions and payments by members provided for in this Act or in the 1968 Act shall be paid into the Fund.

(3) Save the costs of administering this Act and the 1968 Act, all benefits and other payments provided for in this Act and in the 1968 Act shall be paid from the Fund.

(4) The Fund shall be vested in and managed by the Board.

(5) The moneys of the Fund may be invested by the Board in such investments or classes of investments as may be recommended by the Treasurer but shall not be invested in any other manner. Income derived from such investments shall form part of the Fund.

(6) The Treasurer shall pay into the Fund in respect of each financial year such sum as when added to the income from investments accrued to the Fund during the year in question will provide an earning rate of not less than six per centum per annum, such rate to be determined by dividing one hundred times the income from investments accrued to the Fund in that year (plus any sum payable by the Treasurer under this subsection) by the average of investible moneys in the Fund in that year less one half of the income from investments accrued to the Fund in that year (plus any sum payable by the Treasurer under this subsection).

(7) Payments to be made under subsection (6) by the Treasurer into the Fund shall be paid from the Consolidated Revenue Fund which is hereby appropriated accordingly.

19. Quinquennial investigation by Actuary. (1) An investigation as to the state and sufficiency of the Fund as at the 30th June 1975 shall be undertaken and completed as soon as practicable after that date and thereafter periodically so that there shall not be a period longer than five years between successive such investigations.

(2) The investigation shall be made by the Actuary.

(3) The Actuary shall report to the Board the result of his investigation including with respect to—

- (a) the sufficiency of the contributions to and the actuarial soundness of the Fund either generally or in respect to any particular benefit whether under this Act or the 1968 Act;
- (b) whether the state of the Fund requires any adjustments to be made in the prescribed amounts of contributions or of the benefits under this Act;
- (c) whether the state of the Fund requires any adjustments to be made in the prescribed amounts of the units respectively of annuity benefit, incapacity benefit, assurance benefit (including additional assurance benefit) under the 1968 Act and any benefit preserved and continued by that Act or in the rates of contributions for units respectively for those benefits or any of them;
- (d) if a surplus is shown the manner in which such surplus may be dealt with;
- (e) whether any change should be made in the basis on which, or the extent to which, pensions and benefits may be converted into lump sum payments pursuant to Division VII of Part IV, or Division VA of Part IV of the 1968 Act;

(f) whether any change should be made in the proportion in which contributions required to be paid to the Fund by the Crown shall be paid; and

(g) any other actuarial matter affecting the Fund as may be required by the Board,

and shall make in his report such recommendations as he deems necessary or desirable having regard to the purpose and result of the investigation.

(4) The Board may act as it deems advisable with respect to any recommendation made by the Actuary in such a report.

(5) The Board shall forward a copy of the report of the Actuary to the Treasurer within one month after the receipt thereof.

20. Disposal of surplus disclosed by investigation. (1) Where an investigation made pursuant to section 19 discloses a surplus of assets over liabilities of the Fund, there shall be due and payable to the Crown—

(a) the part of the surplus ascertained in accordance with the formula—

$$\frac{AC}{A + B}$$

where—

A is the amount of contributions to the Fund under this Act and the 1968 Act derived from the Crown during the relevant period; and

B is the amount of contributions to the Fund under the said Acts derived from contributors during that period; and

C is the amount of the surplus; or

(b) five-sevenths, or where the Treasurer determines a proportion for the purposes of section 49 (1) (b) the proportion so determined, of the surplus,

whichever is greater.

(2) The surplus referred to in subsection (1) after deducting therefrom the part due and payable to the Crown under that subsection shall be deemed to be derived from contributions to the Fund by contributors under this Act and the 1968 Act and may be dealt with as provided by this Act or the 1968 Act.

(3) For the purposes of this section the term “relevant period” means—

(a) in relation to the first investigation made pursuant to section 19, the period commencing on the seventh day of July, one thousand nine hundred and sixty-nine and ending on the day of the date as at which the investigation is made; and

(b) in the case of the second or a subsequent such investigation, the period commencing on the day after the date as at which the last preceding investigation was made and ending on the day of the date as at which the investigation in question is made.

PART III—CONTRIBUTIONS

21. Obligation of officers to contribute to the Fund. (1) Except as otherwise expressly provided in this Act, a person—

- (a) who—
 - (i) becomes a member on or after the commencement of this Act;
 - (ii) is a person to whom paragraph (b) of section 3 relates; or
 - (iii) is a continuing contributor; and
- (b) who is under the age for retirement,

shall contribute to the Fund as provided in this Part.

(2) If a member (being so required) has not been medically examined in accordance with section 60 within six months after becoming a member who is required under this Act to contribute to the Fund or such extended time as the Board may in special circumstances allow, he shall be entitled to no benefits under this Act other than the payment of a sum of money equal to the amount of his contributions thereunder to the Fund.

(3) Subject to the express provisions of this Act where a contributor is granted leave of absence for any period without pay or on less than his full pay he shall continue to contribute to the Fund during that period at the rate at which he would have been required to contribute thereto if he had continued to receive his full salary in respect of that period and if, for any reason, he becomes entitled to an increase in salary while absent from duty on that leave, his obligation to contribute to the Fund shall be calculated with reference to his salary as so increased.

(4) Subject to the express provisions of this Act, any election to further contribute under this Act shall be made before the expiration of six months after the member becomes so eligible and where a member being thereunto entitled does not elect within the prescribed time in which the member may so elect, to further contribute under this Act to the Fund he is not obliged and shall not be permitted to so further contribute under this Act to the Fund.

22. Commencement and cessation of contributions. (1) The contributions under this Act of a member commence—

- (a) in the case of a member who is a continuing contributor from the day on which his salary is first increased after the commencement of this Act; or
- (b) in any other case, from the day on which his salary commences by reason of his appointment as a member or from the day on which this Act commences, whichever is the later day.

(2) A member's contributions cease to be payable on the day on which he ceases, for any reason, to be a member or he attains the age for retirement whichever first occurs.

23. Time and manner of paying contributions. (1) Except as otherwise expressly provided in this Act, the contributions of a member shall be payable periodically from his salary at such intervals and in such manner as may be prescribed and shall be deducted from salary payable to him accordingly, and, until otherwise prescribed, shall be payable by the member and deducted fortnightly from his salary.

(2) The deductions shall be made for the first time in each case on the first pay-day occurring after the contributions in respect of which they are to be made commence, as provided by subsection (1) of section 22, and the full amount of all deductions so made shall be paid into the Fund.

(3) Where a contributor—

- (a) is on leave of absence without pay;
- (b) is on sick leave on less than full pay;
- (c) is under suspension without salary or at less than full salary; or
- (d) for any reason (other than any misconduct or default on his part) is receiving remuneration at a rate less than the rate of pay for the time being applicable to his position,

the Board, on the application of the contributor, may permit him to defer his contributions for such period as the Board may approve, subject to such conditions as to the future payment of his contributions as the Board may impose (including conditions as to the payment of interest, at such rate, if any, as is determined by the Board, on the contributions so deferred) but save as permitted by the Board pursuant to this subsection, the contributor shall contribute to the Fund at the times and in the manner prescribed.

(4) Any amount of the contributions to be made by a contributor not paid by deduction from his salary as prescribed by subsections (1) and (2) shall, subject to subsection (3), be paid in such manner as the manager directs and, if directed by the manager, may be deducted from his salary in addition to the deductions from his salary as prescribed by subsections (1) and (2) but where, in the opinion of the Board, any amount of contributions to be made by a contributor is irrecoverable or the enforcement of payment by the person would impose undue hardship the Board may waive payment thereof wholly or in part.

(5) Notwithstanding the foregoing provisions of this section, the Board may recover by action as for a debt any amount of the contributions to be made by a contributor which is due and unpaid.

(6) For the purposes of subsections (4) and (5), the amount of any unpaid contributions shall be the aggregate of the amount thereof due and unpaid and of interest thereon which would have accrued to the Fund had the same been duly paid unless the Board waives such interest wholly or in part.

(7) Where the contributions to be made by a contributor are in arrears to the extent prescribed as respects amount or time, or both, the Board may determine all rights of the contributor to benefits under this Act, and thereupon shall pay to him a sum of money equal to the amount of the contributions, whether paid or in arrears, payable by him under this Act to the Fund to the date of such determination reduced by the aggregate of the amount of the arrears of contributions and of the interest thereon which would have accrued to the Fund had the same been duly paid unless the Board waives such interest wholly or in part.

(8) Save as provided under subsection (3), a member shall continue to contribute as prescribed by this Act to the Fund until he attains the age for retirement or his employment as a member is sooner terminated by earlier retirement, death, resignation or otherwise howsoever and, subject to subsection (3) shall, in respect of any period of suspension, recreation leave, sick leave or other leave of absence either with or without salary, pay contribution, as for a period of service, without reduction.

24. Rates of contribution. (1) The amount of the contributions of a continuing contributor (not being a member to whom subsection (3) relates) which shall be paid by him periodically in addition to the amount of contributions payable by him to the Fund in accordance with the provisions of the 1968 Act shall be a sum calculated at the prescribed rate per centum of the amount by which the amount of his salary for the time being exceeds the amount of his salary on the commencement of this Act.

(2) The amount of the contributions of a member (not being a member to whom subsection (3) relates) who became a member on or after the commencement of this Act or who is a member to whom paragraph (b) of section 3 relates, which shall be paid by him periodically, shall be a sum calculated at the prescribed rate per centum of the amount of his salary for the time being.

(3) The contributions of a member who—

(a) becomes a member on or after the commencement of this Act; and

(b) immediately before becoming a member was in receipt of or eligible to receive an incapacity pension under this Act or incapacity benefit under the 1968 Act or superannuation allowance preserved and continued by that Act,

that shall be paid by him periodically shall be, in addition to the contributions, if any, to the Fund payable by him under the 1968 Act, the sum calculated at the prescribed rate per centum—

(c) of the amount of his salary for the time being where he was a member to whom subsection (2) applied before he was retired on the grounds of incapacity; and

(d) in any other case, of the amount by which the amount of his salary for the time being exceeds the amount of his salary at the time when he was so retired.

(4) Where by reason that a member becomes a contributor (other than a continuing contributor) on or after the commencement of this Act and after he has attained the age of 20 years, the length of the member's service, ascertained for the purposes of calculating the pension to be paid to him under this Act if he attains the age for retirement will not amount to 40 years, the member may elect, within a period of two months after he becomes a member, to increase the rate of his contribution and the Board may determine that the additional rate over and above the contributions that, but for this subsection, would have been payable by the member shall be a sum calculated at such rate as the Board, after consultation with the Actuary, may determine, being a rate that, having regard to the fact that payments by the Crown will be in relation only to contributions by the member that would be payable but for this subsection, will enable the length of service for the purpose of calculating the pension to be paid to him under this Act, to be regarded as the length of service ascertained in accordance with the Board's determination under subsection (6) but not exceeding a maximum of 40 years, and thereupon the member shall be deemed to be required to contribute to the Fund at the rate so determined in addition to the rate prescribed by this Act (other than this subsection).

(5) Where by reason that a member became a contributor under the 1968 Act or any Act or enactment repealed by the 1968 Act after he had attained the age of 20 years the length of service of the member for the purpose of calculating the pension to be paid to him under this Act will not amount to 40 years, the member may elect within a period of six months after the commencement of this Act to increase the rate of his contributions under this Act and the Board may determine that the additional rate over and above the contributions that, but for this subsection, would have been payable by the member under this Act, shall be a sum calculated at such rate as the Board, after consultation with the Actuary, may determine, being a rate that will enable the length of service of the member for the purpose of calculating the pension to be paid to him under this Act to be regarded as the length of service ascertained in accordance with the determination of the Board under subsection (6) but not exceeding a maximum of 40 years, and thereupon the member shall be deemed to be required to contribute under this Act to the Fund at the rate so determined in addition to the rate prescribed by this Act (other than this subsection).

(6) Where the Board makes a determination under subsection (4) or (5) in relation to a member, the Board may determine that, for the purpose of calculating the pension to be paid to him under Part IV, his length of service as a member shall be regarded as being equal to his actual length of service ascertained in accordance with this Act plus such additional length of service as the Board, after consultation with the Actuary, may determine and thereupon this Act shall apply to the member accordingly.

(7) Where the Board has made a determination under subsection (4) or (5) upon the election of a member 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.

(8) Where in respect of a contributor the Board, pursuant to subsection (7), 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.

(9) Where in respect of a contributor the Board pursuant to subsection (7) 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.

(10) Where the salary of a contributor is reduced, the contributor shall thereupon contribute to the Fund in relation to the reduced rate of his salary and the Board shall make to him a refund of such part of his contributions to the Fund as the Actuary determines is justified having regard to the reduced liability of the Fund, by reason of the reduction in salary, in respect of the prospective entitlement of the officer to benefits under this Act and thereupon for the purpose of calculating the contributor's entitlement to benefits under this Act his rate of salary in respect of any period before the time his salary was reduced shall be deemed not to have been in excess of the rate to which his salary was so reduced.

25. Further provisions re contributions. (1) In this Part "salary" in relation to a member means—

- (a) the fortnightly salary of the member; or
- (b) where the periodic interval at which the member's contribution to the Fund is deducted from his salary is based upon a period other than a fortnight the salary of the member for that period.

(2) The fortnightly, or other periodic, salary of a member who is paid salary at a rate other than a fortnightly rate or, as the case may be, other periodic rate shall be ascertained as prescribed and different such prescriptions may be made in respect of the members included in different classes of members.

(3) Where the salary of a contributor is increased, contributions to the Fund shall be payable to the Fund as from the date on and from which the increase is payable and any contributions in respect of the increase relating to any periodic interval prior to the interval in which the increase is actually paid shall be payable by deduction from the contributor's salary in respect of the last-mentioned interval.

(4) For the purposes of section 24 the prescribed rate shall be—

- (a) in the case of a male contributor whose age for retirement is sixty years—
 - (i) who has not attained the age of twenty years at the time when the contribution is payable—two per centum;
 - (ii) who has attained the age of twenty years but has not attained the age of twenty-five years at the said time—seven and one-half per centum;
 - (iii) who has attained the age of twenty-five years but has not attained the age of thirty-five years at the said time—eight per centum; and
 - (iv) who has attained the age of thirty-five years at the said time—eight and one-half per centum;
- (b) in the case of a female contributor whose age for retirement is sixty years—
 - (i) who has not attained the age of twenty years at the time when the contribution is payable—two per centum;
 - (ii) who has attained the age of twenty years but has not attained the age of twenty-five years at the said time—six and one-half per centum;

- (iii) who has attained the age of twenty-five years but has not attained the age of thirty-five years at the said time—seven per centum;
- (iv) who has attained the age of thirty-five years at the said time—seven and one-half per centum; and
- (c) in the case of a contributor whose age for retirement is sixty-five years—
 - (i) who has not attained the age of twenty years at the time when the contribution is payable—two per centum;
 - (ii) who has attained the age of twenty years but has not attained the age of twenty-five years at the said time—five and one-half per centum;
 - (iii) who has attained the age of twenty-five years but has not attained the age of thirty-five years at the said time—six per centum; and
 - (iv) who has attained the age of thirty-five years at the said time—six and one-half per centum.

(5) Where a contributor whose age for retirement is sixty years becomes a contributor whose age for retirement is sixty-five years, he shall thereupon cease to contribute at the applicable rate prescribed by subsection (4) in relation to the firstmentioned age for retirement and shall thereafter so long as he remains a contributor whose age for retirement is sixty-five years contribute at the applicable rate prescribed by subsection (4) in relation to the lastmentioned retiring age.

(6) Where the amount of any contribution payable periodically or by way of lump sum when expressed in dollars and cents includes an amount less than one cent then, where the last mentioned amount is less than .5 of a cent, the amount shall be disregarded and, where the amount is .5 of a cent or greater than .5 of a cent the amount shall be deemed to be one cent and the contribution shall be payable accordingly.

PART IV—BENEFITS AND PAYMENTS

Division I—Contributors' pensions and other benefits

26. Calculation of service. For the purpose of calculating the pension to be paid to a contributor under this Division—

- (a) any service as a member, before attaining the age of twenty years shall be disregarded in ascertaining the contributor's length of service;
- (b) where his length of service as a member after having due regard to the provisions of paragraph (a)—
 - (i) in the case of a contributor whose age for retirement is sixty years, exceeds forty years the contributor's length of service shall be deemed to be forty years;
 - (ii) in the case of a contributor whose age for retirement is sixty-five years, exceeds forty-five years the contributor's length of service shall be deemed to be forty-five years; and
- (c) where the contributor is a person in relation to whom a determination has been made by the Board under subsection (6) of section 24, the contributor's length of service shall, unless otherwise expressly provided by this Act, be deemed to be the length of his service ascertained in accordance with the Board's determination.

27. Rights of contributors. (1) Where a contributor (other than a continuing contributor)—

(a) retires on attaining the age for retirement; or

(b) before attaining the age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on his part for the obtaining of any benefit under this Act,

he is entitled to a pension calculated in accordance with the provisions of this section.

(2) Except as otherwise expressly provided in this section the pension to be paid to a contributor to whom subsection (1) relates is an annual sum calculated in accordance with the formula—

$$P = \frac{3A}{160} \times B,$$

where—

P represents the annual amount of that pension;

A represents the final average salary of the contributor; and

B represents the contributor's length of service (expressed in years), as at the time of his attaining the age for retirement or, in the case of a contributor who becomes entitled to an incapacity pension, as at the time when he would have attained the age for retirement.

(3) Where a contributor to whom subsection (1) relates was, immediately before ceasing to be a contributor and becoming entitled to a pension under that subsection, a contributor whose age for retirement was sixty-five years, the pension to be paid to him is an annual sum calculated in accordance with the formula—

$$P = \frac{A}{60} \times B,$$

where—

P represents the annual amount of that pension;

A represents the final average salary of the contributor; and

B represents the contributor's length of service (expressed in years), as at the time of his attaining the age for retirement or in the case of a contributor who becomes entitled to an incapacity pension, as at the time when he would have attained the age for retirement.

(4) For the purpose of calculating the pension to be paid to a contributor to whom paragraph (b) of subsection (1) relates, his length of service shall be calculated as if he had continued to be a member until the day on which he would have attained the age for retirement.

(5) Where a contributor (whose age for retirement is sixty years) to whom subsection (1) relates (not being a contributor who has made an election under subsection (4) of section 24 the determination in relation to which has not been cancelled by the Board pursuant to subsection (7) of that section), after attaining the age for retirement, continues to be a member he is entitled—

(a) on attaining the age for retirement to a pension calculated at the rate of two-sevenths of the pension to which he would have been entitled under this section if he had retired on attaining the age for retirement; and

- (b) on his retiring or being retired from his employment as a member to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which he would have been entitled under this section if he had retired on attaining the age for retirement.

(6) Where a contributor (whose age for retirement is sixty years) to whom subsection (1) relates who has made an election under subsection (4) of section 24 the determination in relation to which has not been cancelled by the Board pursuant to subsection (7) of that section, continues after attaining the age for retirement, to be a member he is entitled—

- (a) on attaining the age for retirement—
- (i) to a pension calculated at the rate of two-sevenths of the pension to which he would have been entitled under this section if the said subsection (4) had not been enacted and he had retired on attaining the age for retirement; and
 - (ii) to a pension determined by the Board upon the advice of the Actuary being a pension based upon the additional contributions made by the officer under the said subsection (4); and
- (b) on his retiring or being retired from his employment as a member to an increase in the pension payable under subparagraph (i) of paragraph (a), which shall then become payable at the rate of the pension to which he would have been entitled under this section if the said subsection (4) had not been enacted and he had retired on attaining the age for retirement.

(7) The rate of the pension to which a contributor is entitled under this section shall not, in any case, exceed a rate equal to three-quarters of the final average salary of the contributor.

(8) Save in a case to which section 33 (2) applies, where a contributor (other than a continuing contributor) whose age for retirement is sixty-five years—

- (a) dies in service before attaining the age for retirement; or
- (b) becomes entitled to a pension under subsection (1).

the Board shall pay from the Fund to the contributor or, where he has died, to the personal representative of the contributor or, if the Board considers it desirable to do so, to such other person as the Board may determine, a sum of money equal to the excess of his contributions to the Fund under this Act over the sum of the amounts that he would have contributed to the Fund under this Act if the rate of his contributions to the Fund had at all times during which he was a contributor, been the applicable rates prescribed in relation to a contributor whose age for retirement is sixty-five years.

28. Rights of continuing contributors. (1) Where a continuing contributor—

- (a) retires on attaining the age for retirement; or
- (b) before attaining the age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on his part for the obtaining of any benefit under this Act,

he is entitled to a pension calculated in accordance with the provisions of this section.

(2) Except as otherwise expressly provided in this section, the pension to be paid to a contributor to whom subsection (1) relates, in addition to the benefits to which he may be entitled under the 1968 Act, is an annual sum calculated in accordance with the formula—

$$P = \frac{3A}{160} \times B,$$

where—

P represents the annual amount of that pension;

A represents the final average increase in salary of the contributor; and

B represents the contributor's length of service (expressed in years), as at the time of his attaining the age for retirement or, in the case of a contributor who becomes entitled to an incapacity pension, as at the time when he would have attained the age for retirement.

(3) Where a contributor to whom subsection (1) relates was, immediately before ceasing to be a contributor and becoming entitled to a pension under that subsection, a contributor whose age for retirement was sixty-five years, the pension to be paid to him is an annual sum calculated in accordance with the formula—

$$P = \frac{A}{60} \times B,$$

where—

P represents the annual amount of that pension;

A represents the final average increase in salary of the contributor; and

B represents the contributor's length of service (expressed in years), as at the time of his attaining the age for retirement or in the case of a contributor who becomes entitled to an incapacity pension, as at the time when he would have attained the age for retirement.

(4) For the purpose of calculating the pension to be paid to a continuing contributor to whom paragraph (b) of subsection (1) relates, his length of service shall be calculated as if he had continued to be a member until the day on which he would have attained the age for retirement.

(5) Where a continuing contributor (where age for retirement is sixty years), after attaining the age for retirement, continues in his employment as a member, he is entitled, in addition to any benefits to which he may be entitled under the 1968 Act—

(a) on attaining the age for retirement to a pension calculated at the rate of two-sevenths of the pension to which he would have been entitled under this section if he had retired on attaining the age for retirement; and

(b) on his retiring or being retired from his employment as a member to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which he would have been entitled under this section if he had retired on attaining the age for retirement.

(6) The rate of the pension to which a contributor is entitled under this section shall not, in any case, exceed a rate equal to three-quarters of the final average increase in salary of the contributor.

(7) Save in a case to which section 33 (2) applies, where a continuing contributor whose age for retirement is sixty-five years—

(a) dies in service before attaining the age for retirement; or

(b) becomes entitled to a pension under subsection (1), the Board shall pay from the Fund to the contributor or, where he has died, to the personal representative of the contributor or, if the Board considers it desirable to do so, to such other person as the Board may determine, a sum of money equal to the excess of his contributions to the Fund under this Act over the sum of the amounts that he would have contributed to the Fund under this Act if the rate of his contributions to the Fund had at all times during which he was a contributor, been the applicable rates prescribed in relation to a contributor whose age for retirement is sixty-five years.

Division II—Widows' pensions

29. Widows' pensions. (1) Subject to this section, the widow of—

(a) a contributor; or

(b) a pensioner who, immediately before becoming eligible for a pension, was a contributor,

is, as from the date of the day following the death of the contributor or pensioner, entitled to a pension calculated at the appropriate rate specified in subsection (2).

(2) A widow's pension is payable—

(a) in the case of the widow of a contributor who dies before attaining the age for retirement, at the rate of five-eighths of the pension that would have been payable to the contributor if he had retired and become eligible for an incapacity pension immediately before his death;

(b) in the case of the widow of a member who was a contributor and who continued in his employment as a member after attaining the age for retirement, five-eighths of the pension that would have been payable to the contributor immediately before the day of his death if he had retired on attaining the age for retirement;

(c) 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 45, 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) in any other case, at the rate of five-eighths of the pension that her husband was receiving, or for which he was eligible, immediately before his death.

(3) A pension is not payable under this section to the widow of a pensioner who married after attaining the age for retirement or his earlier final retirement.

(4) A widow's pension under this section ceases to be payable if the widow remarries.

(5) Subject to subsection (6) where a widow to whom this section applies remarries and subsequently again becomes a widow, she shall be entitled to receive a pension under this section at the same rate as she would be receiving had she not remarried as from the date of the death of the husband of her remarriage until her death or if she again remarries until her further remarriage.

(6) Subsection (5) does not entitle a widow to derive a pension from more than one contributor and where but for this subsection she would be so entitled she shall be deemed to derive her sole entitlement to pension under this section from the contributor through whom she would derive the greatest entitlement to such benefit.

(7) Where the contributor or the pensioner through whom pension under this section is derived is or was a continuing contributor immediately before finally ceasing to contribute to the Fund, the pension payable under this section is in addition to the benefits, if any, derived through the contributor, or as the case may be pensioner, and payable under the 1968 Act.

(8) 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 45.

(9) 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 (11) the whole of her widow's pension entitlement under this Act.

(10) The application under subsection (9) 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.

(11) The amount of the lump sum to be paid in respect of an application under subsection (9) 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.

(12) The Board shall approve an application under subsection (9) where the lump sum payable in respect thereof does not exceed the sum of \$200 but in any other case shall refuse the application.

Division III—Children's pensions

30. Child's pension: When payable. (1) A pension is payable under this Act in respect of every child to whom this section applies until he ceases to be a child.

(2) This section applies to every child of—

- (a) a person who when he died was a male contributor or a male pensioner;
- (b) a person who when she died was a female contributor or a female pensioner where in the opinion of the Board the child was wholly dependent on such person when she died;
- (c) a deceased or divorced wife of a person who when he died was a contributor, or a pensioner, referred to in paragraph (a), where the child was a dependant of such person when he died;
- (d) the widow of a person who when he died was a contributor, or a pensioner.

(3) A pension that is payable under this section is payable—

- (a) where the widow of the person through whom the pension is derived under subsection (2) is or was entitled to a widow's pension under this Act and is living, at the rate of two hundred and eight dollars per annum; and
- (b) in any case other than a case to which paragraph (a) applies, at the rate of four hundred and sixteen dollars per annum.

(4) While a child remains entitled to additional assurance benefit under the 1968 Act, no pension is payable to the child under this section.

(5) 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 45, or that person was a person to whom section 39 applied, that would have been payable but for the election or the said section 39, 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 or that would have been so payable but for section 39.

(6) 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 45.

31. Commencement and cessation of children's pensions. (1) A child's pension commences on the date of the day following the event by virtue of which it becomes payable as provided in section 30 and ceases to be payable on—

(a) the child (not being a child to whom subsection (2) relates) attaining the age of 16 years; or

(b) the death of the child,

whichever first happens.

(2) In the case of a child who is receiving, in the opinion of the Board, full-time education at a school, college, or university, the child's pension ceases to be payable—

(a) when the child attains the age of 21 years; or

(b) when the child ceases to receive, in the opinion of the Board, full-time education at a school, college, or university,

whichever first happens.

32. Persons to whom a child's pension is payable. (1) A child's pension shall be paid to the widow, if any, of the contributor or pensioner in relation to whom it is payable, or, if there is no widow, to the guardian of the child, unless the Board in any case otherwise determines.

(2) The Board may at any time pay to the guardian of a child or to such other person as the Board determines, or expend for a child's benefit, any pension or sum of money payable in respect of that child under this Act.

Division IV—Refund of contributions

33. Refund of contributions. (1) Where a contributor, before attaining the age for retirement, ceases to be a member by reason of—

- (a) his resignation;
- (b) his dismissal; or
- (c) his being retired or permitted to retire on the ground of incapacity that is due to wilful action on his part for the obtaining any benefit under this Act,

he is entitled to be paid from the Fund a sum of money equal to the total amount of his contributions to the Fund under this Act and is not entitled to any other benefit under this Act.

(2) In the event of the death, before attaining the age for retirement, of—

- (a) a male contributor who does not leave a widow or children; or
- (b) a female contributor whose death does not give rise to a child's pension under Division III,

the Board shall pay a sum equal to the total amount of the contributor's contributions to the Fund under this Act to the personal representatives of the contributor or, if the Board considers it desirable to do so, to such other person as the Board may determine.

(3) Where a person is appointed a constable in the first instance for one year only and that person is discharged before the expiration of one year from the day of his appointment he is entitled to a refund of his contribution to the Fund.

(4) Where the contributor is a continuing contributor entitlements under this section are in addition to entitlements, if any, of or in relation to the contributor under the 1968 Act.

Division V—Adjustment of pensions

34. 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 36;

“year”, save in subsection (3), means a year commencing on the first day of October.

(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 1975 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 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 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 in the year immediately following the year in which the pension comes into force; 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 which shall be deemed to be the percentage so specified in respect of that year.

(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.

Division VI—General provisions as to pensions

35. Duration of pensions. Except as otherwise expressly provided, a pension under this Act is payable during the life of the pensioner, and is payable as from the date of the death or retirement by virtue of which it becomes payable.

36. Time and manner of payment of pensions. Pensions shall be paid in fortnightly instalments or, if so determined by the Board, periodically at other intervals.

37. Payment to person other than the beneficiary. Where in the opinion of the Board payment of any pension, refund of contributions or other payment under this Act should be made to a person other than the person to whom the same is prescribed to be payable, the Board may authorize payment to such firstmentioned person accordingly and the receipt of that person is a complete discharge to the Board for the amount so paid.

38. Excess payments. (1) Where a person has received a payment under this Act or the 1968 Act and it is subsequently discovered that, owing either to some miscalculation or mistake of fact for which the person is not responsible, the payment was in excess of the amount properly payable, the Board may—

(a) waive repayment; or

(b) allow repayment to be made on such terms as the Board thinks just,

of the whole or any part of that excess payment or may write off the whole or any part thereof, if, in the opinion of the Board, its repayment would cause undue hardship or the enforcement of the repayment thereof would be inequitable.

(2) Where a person has received a payment under this Act or the 1968 Act and it is subsequently discovered that, by reason of a mistake, the amount of the payment is in excess of the amount properly payable to that person, the Board may write off the whole or any part of the excess amount so paid if it is satisfied that the excess amount or that part is irrecoverable or that the enforcement of the repayment by that person of the excess amount or that part would impose undue hardship on that person or would, in all the circumstances of the case, be inequitable.

39. Commencement of benefits. Subject to this Act, where in pursuance of this Act any member becomes liable or elects to contribute for any pension benefits or additional such benefits he shall be a contributor in respect of those benefits or additional benefits as from the date as from which the contribution or additional contribution therefor is payable and not earlier, but if any benefit becomes payable to or in respect of that contributor before he has actually commenced to make contributions or additional contributions there shall, as determined by the Board, be deducted from payments of benefits such contributions as are due by him in respect of those benefits or additional benefits.

40. Proof of continued incapacity. (1) Any person who has been retired, by reason of incapacity, from employment as a member, and who is in receipt of incapacity pension, shall, whilst he continues to be in receipt of incapacity pension, give as prescribed such notifications and certificates relating to his continued incapacity as shall be prescribed and submit himself for medical examination when and so often as the Board requires to a medical practitioner approved by the Board.

(2) If at any time a person defaults in complying with any requirement of this section, the Board may discontinue the payment to him of incapacity pension until he remedies the default to its satisfaction.

41. Incapacity pensioner restored to health may be recalled to service. (1) If, in the opinion of the Board, the health of any person who has been retired, by reason of incapacity, from employment as a member, who is in receipt of incapacity pension and who has not attained the age for retirement, has become so restored as to enable him to perform in the opinion of the Board duties as a member, the Board shall so inform the Commissioner of Police with a view to employment as a member being found for such person.

(2) If employment as a member is offered to him at a rate of salary at least equal to the rate of salary then payable in respect of the rank held by him at the time he became eligible for the incapacity pension in question and he fails to accept that employment the Board may cancel the incapacity pension and thereupon it shall cease to be payable.

(3) Upon the cancellation pursuant to this section of the incapacity pension payable to any person, neither that person nor any other person claiming through him, either immediately or at any future time, shall have any right or claim to any payment or, as respects incapacity pension further payment, from the Fund in respect of any contributor's pension, incapacity pension, widow's pension or child's pension in respect of which he was contributing to the Fund when he retired save that such person shall be paid from the Fund a sum of money equal to the total amount of his contributions to the Fund less such amount thereof as the Actuary certifies is attributable to the provision of incapacity pension.

42. Incapacity pension may be suspended during employment. (1) If at any time it appears to the Board that any person who has been retired, by reason of incapacity from employment as a member, and who is in receipt of incapacity pension, engages in—

- (a) any business or occupation on his own account; or
- (b) employment (not being employment by virtue whereof he is a member receiving salary at least equal to the rate referred to in subsection (2) of section 41),

the Board may suspend the incapacity benefit.

(2) For the period during which any such person is engaged as specified in subsection (1) by virtue of which engagement payment of incapacity benefit has been suspended under subsection (1) he shall not be entitled to or receive any incapacity pension provided that the Board may direct that he receive for that period or such part thereof as the Board determines, the whole of the incapacity pension in question or such part thereof as the Board considers reasonable.

(3) Upon the termination of the engagement by virtue whereof payment of incapacity pension to any person has been suspended under subsection (1) such incapacity pension shall, subject to this Act, again become payable and be paid to such person.

(4) Any determination of the Board under this section shall be subject to the approval of the Minister.

43. Contribution by retired incapacity pensioners upon re-employment. If a person who has been retired, by reason of incapacity, from employment as a member and who is in receipt of incapacity pension again becomes a member, the period during which he was retired shall not, for the purposes of this Act, be deemed to be a break in the continuity of his service; and accordingly the member shall be deemed to be a contributor and contributions to the Fund shall again become payable by him in accordance with this Act.

44. Right to prepay contributions. The Board may permit a contributor to commute wholly or in part any existing contribution under this Act, payable by him in respect of any future period, by payment of a lump sum of such amount as shall be determined by the Actuary and approved by the Board.

Division VII—Conversion of pension entitlement into a lump sum payment

45. Right of contributor to convert his pension into a lump sum. (1) Subject to subsection (2), a contributor may elect to convert the whole or any part of his pension entitlement under this Act into a lump sum payment.

(2) A contributor may not make an election under this section in relation to his entitlement to an incapacity pension.

(3) An election under this section—

(a) shall, whether the contributor retires on or after attaining the age for retirement, be made before the expiration of a period of one month after the contributor attains the age for retirement; and

(b) shall be made by notice in writing given to the Board (in the following provisions of this section referred to as “the contributor’s notice of election”).

(4) In the case of an election under this section made by a contributor or a retired contributor, the contributor’s notice of election shall specify the percentage (if any) of his pension entitlement that he desires to convert into a lump sum payment.

(5) Where an election is made under this section by a contributor or a retired contributor and he elects to convert a specified percentage only of his pension entitlement—

(a) he shall be paid from the Fund—

(i) in the case of a contributor other than a contributor the age for whose retirement is sixty-five years, a sum equal to twelve times, or in the case of a female contributor thirteen times, that specified percentage of the total amount of his annual pension entitlement under this Act; or

(ii) in the case of a contributor the age for whose retirement is sixty-five years, a sum equal to ten times that specified percentage of the amount of his annual pension entitlement under this Act; and

(b) the contributor’s pension to which the contributor would have been entitled, but for his having made an election under this section, shall be reduced by a percentage equal to the percentage specified in the contributor’s notice of election.

(6) Where a contributor or a retired contributor makes an election under this section and elects to convert the whole of his pension entitlement—

(a) he shall be paid from the Fund—

(i) in the case of a contributor to whom subparagraph (i) of paragraph (a) of subsection (5) refers, a sum equal to twelve times, or in the case of a female contributor thirteen times, the amount of his annual pension entitlement under this Act; or

(ii) in the case of a contributor to whom subparagraph (ii) of paragraph (a) of subsection (5) refers, a sum equal to ten times the amount of his annual pension entitlement under this Act; and

(b) his entitlement to contributor’s pension under this Act ceases.

(7) Where a contributor (other than a contributor who has made an election under subsection (4) of section 24) whose age for retirement is sixty years who makes an election under this section continues, on

attaining the age for retirement, in his employment as a member, he shall in lieu of the lump sum payment from the Fund to which he would have been entitled but for this subsection, be entitled to be paid from the Fund—

- (a) where he elects to convert a specified percentage only of his pension entitlement—
 - (i) a sum equal to twelve times, or in the case of a female contributor thirteen times, that specified percentage of two-sevenths of the amount of the annual pension entitlement under this Act to which he would have been entitled if he had retired from his employment as a member on attaining the age for retirement; and
 - (ii) on his retiring or being retired from his employment as a member a sum equal to that specified percentage of five-sevenths of the amount of the annual pension entitlement under this Act to which he would have been entitled if he had retired on attaining the age for retirement multiplied by such factor not exceeding twelve, or in the case of a female contributor thirteen, as the Actuary may determine with the approval of the Board on the basis of his age at the time that he so retires or is retired;

and the pension to which the contributor would have been entitled but for his having made an election under this section shall be reduced by a percentage equal to the percentage specified in the contributor's notice of election;

- (b) where he has elected to convert the whole of his pension entitlement—
 - (i) a sum equal to twelve times, or in the case of a female contributor thirteen times, the amount of two-sevenths of the annual pension entitlement under this Act to which he would have been entitled if he had retired from his employment as a member on attaining the age for retirement; and
 - (ii) on retiring or being retired from his employment as a member a sum equal to five-sevenths of the annual pension entitlement to which he would have been entitled if he had retired from his employment as a member on attaining the age for retirement multiplied by such factor not exceeding twelve, or in the case of a female contributor thirteen, as the Actuary may determine with the approval of the Board on the basis of his age at the time of his retirement,

and his entitlement to contributor's pension ceases.

(8) Where a contributor (being a contributor who has made an election under subsection (4) of section 24) whose age for retirement is sixty years who makes an election under this section continues, on attaining the age for retirement, in his employment as a member, he shall in lieu of the lump sum payment from the Fund to which he would have been entitled but for this subsection, be entitled to be paid from the Fund—

- (a) where he elects to convert a specified percentage only of his pension entitlement—
 - (i) a sum equal to twelve times, or in the case of a female contributor thirteen times, that specified percentage of the amount of his annual pension entitlement pursuant to subparagraph (i) of paragraph (a) of subsection (6) of section 27;

- (ii) a sum equal to twelve times, or in the case of a female contributor thirteen times, that specified percentage of the amount of his annual pension entitlement pursuant to subparagraph (ii) of paragraph (a) of subsection (6) of section 27; and
 - (iii) on his retiring or being retired from his employment as a member a sum equal to that specified percentage of five-sevenths of the amount of his annual pension entitlement under this Act if he had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted multiplied by such factor not exceeding twelve, or in the case of a female contributor thirteen, as the Actuary may determine with the approval of the Board on the basis of his age at the time that he so retires or is retired,
- and the pension to which the contributor would have been entitled but for his having made an election under this section shall be reduced by a percentage equal to the percentage specified in the contributor's notice of election;
- (b) where he has elected to convert the whole of his pension entitlement—
 - (i) a sum equal to twelve times, or in the case of a female contributor thirteen times, the amount of his annual pension entitlement pursuant to subparagraph (i) of paragraph (a) of subsection (6) of section 27;
 - (ii) a sum equal to twelve times, or in the case of a female contributor thirteen times, the amount of his annual pension entitlement pursuant to subparagraph (ii) of paragraph (a) of subsection (6) of section 27; and
 - (iii) on retiring or being retired from his employment as a member a sum equal to five-sevenths of the annual pension entitlement to which he would have been entitled if he had retired from his employment as a member on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted multiplied by such factor not exceeding twelve, or in the case of a female contributor thirteen, as the Actuary may determine on the basis of his age at the time of his retirement and is approved by the Board,
 and his entitlement to contributor's pension ceases.

(9) A contributor or retired contributor who (being, or having been immediately before attaining the age for retirement, a contributor under the 1968 Act) is not entitled to make an application to commute for a lump sum his annuity benefit (wholly or in part) under Division VA of Part IV of that Act, is not entitled to make an election under this section.

46. Rate of widow's pension not affected by an election made by her husband under section 45. Where a male contributor makes an election under section 45, the widow's pension payable on his death to his widow is payable to her at the same rate as the rate that would have been applicable if that election had not been made.

47. Child's pension not affected by an election under this Division. The making by a contributor of an election under this Division does not affect any pension payable in respect of a child under Division III derived through the contributor, and such a pension, notwithstanding the making of that election, continues to be payable to the same person and at the same rate as if that election had not been made.

PART V—FINANCIAL PROVISIONS

48. Cost of Administration. Subject to appropriation by Parliament the expenses incurred in the administration of this Act and the 1968 Act shall be defrayed out of the Consolidated Revenue Fund.

49. Amount of contribution by the Crown. (1) The Treasurer shall pay into the Fund in respect of the period commencing on the first day of January, one thousand nine hundred and seventy-five and ending on 30 June 1980 and every period of five years thereafter such sum as the Actuary certifies from time to time in respect of the period in question to be necessary in order to make proper provision (not taking into account any provision derived from contributors) for payment out of the Fund of—

- (a) five-sevenths; or
- (b) such other proportion as the Treasurer, having regard to any recommendation of the Actuary under paragraph (f) of subsection (3) of section 19, may determine,

of all benefits and other payments provided for in this Act (not being a payment made by way of a refund of contributions, a payment under section 66, and not including such part of any payment that would not have been payable but for subsection (4) of section 24 or any payment of contributor's pension to a contributor whilst he remains a member after attaining the age for retirement).

(2) A sum in respect of a period that is required by this Act to be paid into the Fund by the Treasurer—

- (a) is payable out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly); and
- (b) shall be paid at such times and in such manner as the Treasurer may determine.

50. Accounts to be kept by the Board. (1) The Board shall keep such accounts, and prepare such annual financial statements in relation thereto, in such form and containing such particulars, as the Treasurer may direct or approve.

(2) The accounts of the Board are subject to audit by the Auditor-General who has, in relation thereto, all the powers conferred on him by the *Audit Act* 1874–1968 in relation to the audit of the public accounts.

PART VI—MISCELLANEOUS

51. Assignment of pensions. Subject to section 52 pensions, benefits and payments under this Act shall not be in any way assigned, charged, taken in execution, attached, or passed by operation of law or otherwise howsoever to any person other than the beneficiary or payee, nor shall any claim be set off against the same, and any moneys payable out of the Fund on the death of a member, beneficiary or payee shall not be assets for the payment of his debts or liabilities.

52. When Fund charged with defalcations by contributors. If any contributor ceases employment as a member by reason of—

- (a) his or her dismissal from the Police Force in relation to misappropriation of moneys or other property; or
- (b) his or her retirement from the Police Force after a charge for an offence in relation to misappropriation of moneys or other property has been made against him and before the charge has been disposed of according to law,

the amount—

- (c) of the moneys or value of the property; or
- (d) of any sum which, at the trial of the contributor upon a charge for such an offence, the Court has ordered to be paid by him

shall be a first charge upon any moneys payable in relation to the contributor from the Fund by reason of such cessation of employment and may be deducted therefrom.

53. Determination of questions arising under this Act. (1) If a question arises as to—

- (a) whether any remuneration or emolument periodically received by a member is to be regarded as part of the member's salary for the purposes of this Act;
- (b) the rate of a member's salary as at any particular time; or
- (c) the nature or length of a member's service,

the question shall be determined by the Board,

(2) Whenever any question arises under this Act as to the incapacity of a contributor or other person who is in receipt of incapacity pension, or as to whether in any case incapacity is due to wilful action on the part of the contributor or other person concerned for the purpose of obtaining incapacity pension or other benefit, the question shall be determined by the Board (whether before or after the retirement of the contributor) upon consideration of a report from a medical practitioner or medical practitioners appointed by the Board.

(3) Before determining such a question as is referred to in subsection (2) adversely to the contributor or pensioner the Board shall give him an opportunity to be heard, and shall consider any medical report or other evidence he may then submit to it.

54. Settlement of disputes. (1) Any dispute under this Act shall be determined in the first place by the Board: But any person aggrieved by a decision of the Board may appeal to the Supreme Court constituted by a single Judge of that Court.

(2) An appeal under this section shall not lie unless it is instituted within thirty days after the giving to the person aggrieved notice of the decision appealed against, and such a notice sent by post shall, unless the contrary be proved, be deemed to have been so given when it would have been delivered in the ordinary course of post.

(3) An appeal under this section shall be instituted by filing in the Supreme Court registry a notice of appeal.

(4) The power to make rules of the Supreme Court includes power to make rules providing and regulating practice and procedure in respect of appeals to a Judge of that Court under this section.

(5) Until such rules are made, or so far as such rules do not extend, a Judge of the Court may, in the particular case, give such directions as he deems fit, and the directions shall, according to their tenor, have the force and effect of rules made under this section for the purposes hereof.

(6) An appeal under this section shall be by way of rehearing, and the Judge hearing the same may confirm the decision of the Board or uphold the appeal and make such order or orders with respect to the subject matter of the appeal as he deems necessary or expedient to give effect to his decision upon appeal.

(7) The decision of the Court shall be final and conclusive and without appeal.

(8) The Judge may make such order as to costs to be paid by either party to the appeal as he thinks just.

(9) Any order made as to costs under subsection (8) may be enforced in the same manner as a judgment of the Supreme Court.

55. Unclaimed moneys. (1) The Unclaimed Moneys Account continued in existence and established under the 1968 Act shall continue in existence as, and under the same name be, the Unclaimed Moneys Account established under and for the purposes of this Act.

(2) Any moneys payable under this Act or the 1968 Act which have not been claimed within six months from the date on which such moneys have or may become payable, shall be placed to the credit of the Unclaimed Moneys Account.

(3) At any time within six years after any moneys have (whether under this Act or the 1968 Act) been placed to the credit of such account the Board may, on proof to its satisfaction that any contributor or other person is entitled to any such moneys, direct payment thereof to that person.

(4) All moneys placed to the credit of the Unclaimed Moneys Account in respect of which a claim is not established within six years after having been placed to the credit of the account shall form part of the Fund, and the contributor or other person concerned shall cease to have any right or title to such moneys: But the Board may allow and pay any claim after such period of six years has expired upon being satisfied that special reasons exist for the allowance of the claim.

(5) If any of the moneys paid to a claimant under this section are afterwards claimed by any other person, the Board shall not be responsible for the payment of the same, but such person may have recourse against the claimant to whom the Board has paid the moneys.

56. Barring of claims for compensation. No person shall be deemed to be entitled to any compensation by reason of any alteration in any prescribed amount of pension or other payment or of any contribution under this Act, which may lawfully be made in consequence of any actuarial investigation or otherwise.

57. Fund to be exempt from taxation. (1) The income of the Fund shall not be subject to any tax imposed by any law of this State.

(2) All contributions and moneys paid to the Fund under this Act and all payments out of the Fund on any account whatsoever shall be exempt from any charge or duty whatsoever for or in respect of any income tax, stamp duty, probate or succession duty, or other tax or duty imposed by any law of this State.

58. Returns. (1) The Commissioner of Police shall furnish to the Board such returns and other information with respect to members as the Board at any time may require.

(2) The Board may require a member or a pensioner at any time to furnish such evidence of age as the Board may consider sufficient, and all other information as the Board may require for the purposes of this Act.

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

59. Pensioners rejoining service. (1) Except as expressly provided in this Act or the 1968 Act, the re-employment of a former member does not affect his then existing rights, if any, under this Act, but in all other respects he is in the same position as if he had not previously been a member.

60. Medical examinations. (1) Every person who on or after the commencement of this Act becomes a member and every member to whom paragraph (b) of section 3 relates shall, if he is so required by the Board, be medically examined by a medical practitioner before being accepted as a contributor.

(2) A person referred to in subsection (1) shall not contribute to the Fund as a contributor if the Board is not satisfied, after considering the report of the medical practitioner, that the health and physical condition of that person are such as to justify his being accepted as such a contributor.

(3) Notwithstanding anything to the contrary contained in this Act, where any person, member or contributor is required by or under this Act—

(a) to be medically examined by a medical practitioner; or

(b) to produce any medical evidence,

then the medical examination is to be made by, or, as the case requires, medical evidence is to be obtained from such medical practitioner as the Board may appoint in that behalf (whether by naming the medical practitioner or by reference to the holder for the time being of any office), and a report of the medical examination or, as the case may be, the medical evidence is to be furnished by the medical practitioner or holder of the office to the Board or, if the Board so specifies, then to the person or authority specified: But where permitted by this Act and without derogating from the Board's discretion to accept or to refuse to accept the result of that further medical examination or that further medical

evidence, the person, member or contributor may have a further medical examination made or, as the case requires, further medical evidence obtained from some other medical practitioner.

61. Calculation of benefits based on contributions of members. (1) Where in this Act provision is made for the refund of, or for benefits based wholly or in part on, a member's contributions, those contributions include all contributions paid by him up to the date of his attaining the age for retirement or his earlier retirement or death, as the case may be, together with any contributions that he may be required or permitted to pay and that are paid by him or on his behalf, after that date, but subject to the deduction of any contributions previously refunded to him.

(2) Where such a provision relates to a contributor who has retired and has been re-employed, the contributions shall, subject to the express provisions of this Act, be calculated only from the date of the last re-employment of the contributor.

62. Discretionary powers of the Board. (1) Where the Board is satisfied, after such inquiry as it thinks necessary, that a person has, otherwise than through his own fault, lost or ceased to be entitled to a right, privilege, or benefit under this Act to which he was otherwise entitled or might have obtained, and that it is just and equitable that he should be allowed to have the enjoyment of the right, privilege, or benefit, the Board may, with the approval of the Minister, permit the person to exercise the right or grant to him the privilege or benefit notwithstanding that the time prescribed for doing any action in relation thereto may have expired.

(2) The Board may, in the exercise of its powers under subsection (1) impose such conditions and requirements as it may think just and as the Minister may approve.

(3) Notwithstanding anything contained in this Act, where an application, election or notice under this Act has been or is made or given to the Board before the commencement, or after the expiration, of the prescribed period, and the Board is satisfied that—

(a) hardship would accrue to a person or his dependants if the same were not recognized; and

(b) in all the circumstances of the case it is desirable that the same should be recognized.

the Board may recognize the application, election or notice, as the case may be, as if it had been made within the prescribed period.

(4) Where a person ceases to be a member but before the expiration of one month after ceasing again becomes a member, the person may, where the Board so approves (whether subject to conditions of unconditionally) on the application in writing of that person, be permitted to contribute to the Fund in respect of the period between his ceasing to be a member and his again becoming a member and where 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 a member during the period in respect of which he so contributes and this Act shall apply in relation to him accordingly.

63. Provisions in respect of member accidentally excluded from contributing. (1) Where, by reason of a mistake or an omission of an officer of the Police Department or by reason of an accident, the name of

a member has not been communicated to the Board and the member has reached the age for retirement, or has died while still a member without having contributed to the Fund, pension is payable to or in respect of that member in accordance with this section.

(2) Where a member, if he had been allowed to contribute to the Fund in accordance with this Act, would have had any right of election under this Act the Minister, on the recommendation of the Board, may direct that he shall be deemed to have exercised the right of election to the greatest advantage of himself and his dependants and pension is thereupon payable accordingly as from the date of his retirement or death, as the case may be.

(3) A pension that is payable under this section is subject to the payment by the pensioner to the Board of the contributions that would have been payable by him while he was a member if no mistake, omission, or accident had occurred and he had made the election, if any, that he is deemed in accordance with this section to have made and of interest thereon that would have accrued to the Fund had the contributions been duly paid; and the Board may deduct the amount of those contributions and interest from any moneys payable to the pensioner in such manner and at such times as it may think fit.

(4) Where any mistake, omission, or accident referred to in subsection (1) is discovered before the retirement or death of the member in respect of whom it occurred he is entitled to exercise, within such time not exceeding six months after the discovery thereof as the Board may allow, any right of election to which he would have been entitled if the mistake, omission, or accident had not occurred, but subject to the payment by him to the Board of the contributions that he would have made in that event up to the date of his entry to the Fund and of interest thereon that would have accrued to the Fund had the contributions been duly paid.

64. Rates or amounts of pensions etc. to be rounded off. Where the rate or amount of a pension under this Act, when expressed in dollars and cents, leaves a number of cents remaining that is less than ten cents or a multiple of ten cents, the Board shall round off that rate or amount as prescribed, and the pension is payable in terms of that rate or amount as so rounded off.

65. Certain payments to be without interest. Except where otherwise expressly provided in this Act, a lump sum payment that is required or authorized by this Act to be made out of the Fund to a contributor or former contributor shall be paid without the addition of any interest thereto.

66. False declarations. (1) No person shall—

- (a) in a certificate, return, declaration, or other document given or sent to, or lodged with, the Board by or on behalf of that person for any of the purposes of this Act, knowingly furnish information as to his age or the state of his health that is false or misleading; or
- (b) for the purposes of a medical examination required to be undergone by him under this Act, knowingly furnish the medical practitioner by whom the examination is made with information as to the state of his health or his medical history that is false or misleading.

Penalty: One hundred dollars.

(2) If a person is convicted of an offence against this section the Board may—

- (a) in the case of a contributor, order—
 - (i) that he shall forthwith cease to be a contributor and that he shall be ineligible, either permanently or for such time as the Board may determine, to contribute to the Fund; or
 - (ii) if his contributions have not commenced, that he be ineligible to commence to contribute to the Fund either permanently or for such time as the Board may determine;
- (b) in the case of a pensioner, order that his pension be cancelled forthwith and that no refund of his contributions be made to him; or
- (c) in the case of a person other than a contributor or pensioner, order that that person be ineligible to commence to contribute to the Fund either permanently or for such time as the Board may determine.

(3) Where pursuant to this section the Board orders that a contributor shall cease to be a contributor, it shall make to him a refund of his contributions and he is entitled to no other benefit under this Act.

(4) Where the Board makes a determination under this section in respect of a member whereby the member is precluded from contributing to the Fund for a time only, any service by the member during that time shall be disregarded in the calculation of his service for the purpose of determining his entitlement, or that of a person deriving an entitlement through him, to pension or other benefits under this Act.

67. Regulations. The Governor in Council may from time to time make regulations, not inconsistent with this Act—

- (a) regulating the conduct of the business of the Board, the procedure at meetings, and the powers and duties of the chairman;
- (b) prescribing the manner of paying benefits under this Act;
- (c) prescribing the duties of the manager and other officers appointed for the effectual administration of this Act;
- (d) prescribing forms under this Act and the respective purposes for which such forms or forms to the like effect shall be used;
- (e) regulating payments by contributors absent on leave without salary;
- (f) prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act; and
- (g) prescribing penalties not exceeding one hundred dollars for an offence against the regulations.

68. Offences to be dealt with summarily. All offences against this Act may be prosecuted in a summary way under the *Justices Act* 1886–1974 on complaint by the manager or by any other person authorized by the Board.

PART VII—APPLICATION AND AMENDMENT OF POLICE SUPERANNUATION
ACT 1968–1971

69. Application of Act No. 58 of 1968. (1) The *Police Superannuation Act 1968–1971* (hereinafter in this section referred to as the “said Act”) shall apply subject to this section.

(2) The said Act does not apply to or in relation to—

- (a) a person who becomes a member on or after the commencement of this Act;
- (b) a person who became a member before the said commencement and who had not become a contributor to the Fund under the said Act before that commencement (not being a member who had elected, or was required, to contribute to the Fund but had not commenced his contribution before that commencement); or
- (c) the widow or any child of any person referred to in paragraph (a) or (b).

(3) Subject to subsection (5), no person shall be entitled or required or permitted to contribute for units of benefits under the said Act other than—

- (a) the units of benefits for which the person was contributing immediately before the commencement of this Act;
- (b) units of benefits for which the person was before the commencement of this Act required to contribute to the Fund by reason of an increase of his salary but for which on the said commencement he had not commenced to contribute; and
- (c) units of benefits in respect of which, being thereunto authorized or entitled under the said Act before the commencement of this Act, the person makes or has made an election (whether before or after the commencement of this Act) within the time prescribed therefor by the said Act or, where no time is so prescribed, before the said commencement but for which on the said commencement he had not commenced to contribute.

(4) Nothing in this section precludes the Board from exercising its powers and functions under the said Act in relation to contribution by a member for units of benefits under the said Act to which paragraph (b) or (c) of subsection (3) or subsection (5) relates.

(5) At any time before the expiration of a period of six months commencing on the commencement of this Act, a continuing contributor may make any election under and in accordance with section 26 of the said Act that he was eligible to make immediately before the commencement of this Act and subject to the said section he may increase his contribution to the Fund accordingly.

(6) Where the time prescribed by the said Act not later than which a member may make an election under section 24 thereof in respect of units of benefits expired on the day immediately before the commencement of this Act, such units of benefits shall be deemed to be units of benefits in respect whereof a continuing contributor may make an election pursuant to subsection (5).

(7) The obligation to contribute to the Fund under the said Act by a continuing contributor shall be in respect of—

- (a) the units of benefits and other benefits for which he was contributing under the said Act immediately before the commencement of this Act;
- (b) units of benefits referred to in paragraph (b) or (c) of subsection (3) for which he commences to contribute under the said Act after the commencement of this Act; and
- (c) the units of benefits under the said Act in respect whereof the contributor increases his contribution to the Fund pursuant to subsection (5),

and shall, subject to the said Act, be at the rates of contribution prescribed therefor by the said Act immediately before the commencement of this Act.

70. Amendment of No. 58 of 1968. (1) The *Police Superannuation Act 1968–1971* is amended as set out in the Schedule.

(2) The *Police Superannuation Act 1968–1971* is amended by repealing sections 6 to 20 (both inclusive), and section 77.

(3) The *Police Superannuation Act 1968–1971* is amended by inserting after section 46 the following section:—

“46A. Refunds of incapacity benefit contributions. (1) If and when a person ceases to be a contributor before attaining the age for retirement he or, if he has died, his legal personal representative or other person approved by the Board, shall be paid from the Fund a sum equal to the aggregate of all sums contributed by him to the Fund in respect of units of incapacity benefit for which he was then contributing accumulated at the rate of one and one-quarter per centum per annum compound.

(2) This section does not apply to a person retired, by reason of incapacity, from his employment as a member.”

(4) The *Police Superannuation Act 1968–1971* is amended by inserting after section 51A the following sections:—

“51B. Adjustment of benefits. (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 49 (3);

“year”, save in subsection (3), means a year commencing on the first day of October.

(2) Subject to this section, a benefit under this Part 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 benefit 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 in the year immediately following the year in which the benefit comes into force; 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.

(13) This section does not entitle a person to any increase in the rate of benefit in relation to any unit of benefit in respect of which an exemption has been granted by the Board pursuant to subsection (3A) of section 27.

51C. Adjustment of benefits where entitlement follows a former entitlement. Where on or after 1st July 1974 a person becomes entitled to a benefit under Division I (hereinafter in this section referred to as the "subsequent benefit") and the person was, immediately before becoming so entitled, entitled to a benefit under Division II (hereinafter in this section referred to as the "former benefit") and has not since becoming entitled to the

former benefit resumed his employment as a member, the benefit to which the person 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 person;

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

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

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

(5) The *Police Superannuation Act 1968–1971* is amended by inserting after section 65A the following section:—

“**65B. Adjustment of benefits.** (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 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 to which this Division applies is payable in pursuance of this Act;

“year”, save in subsection (3), means a year commencing on the first day of October.

(2) Subject to this section, a superannuation allowance, pension payable to a widow, or pension or sum payable to a child payable by virtue of this Division (hereinafter in this section referred to as a “benefit”) 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 benefit 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 in the year immediately following the year in which the benefit comes into force; 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.

(13) This section does not entitle a person to any increase in the rate of benefit in relation to any unit of benefit in respect of which an exemption has been granted by the Board pursuant to subsection (3A) of section 27."

(6) Subsections (4) and (5) shall be deemed to have come into operation on 1st July 1974 and shall have effect retrospectively accordingly.

(7) The amendments to sections 51A and 65A of the *Police Superannuation Act 1968-1971* by subsection (1) shall be deemed to have been made on the commencement of the first pay period within the meaning of section 51B as inserted in the said Act by subsection (4), that shall have occurred in the year commencing 1st January 1974 and shall have effect retrospectively accordingly.

(8) The amendment to section 42 and the amendment to section 44 (to the extent only that subsection (1A) is inserted in that section), by subsection (1) shall be deemed to have been made on the first day of July 1974 and shall have effect retrospectively accordingly.

(9) The *Police Superannuation Act 1968-1971* as amended by this section may be cited as the *Police Superannuation Act 1968-1974*.

SCHEDULE

[s. 70]

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971

Provisions amended	Amendments
Section 4	<p>(a) Omit the definition " Board " and substitute the following definition:— " " Board "—The Police Superannuation Board constituted under the <i>Police Superannuation Act 1974</i>;"</p> <p>(b) omit the definition " Fund " and substitute the following definition:— " " Fund "—The Police Superannuation Fund preserved, continued in existence and established under the <i>Police Superannuation Act 1974</i>;"</p> <p>(c) omit the definition " Manager " and substitute the following definition:— " " Manager "—The Manager within the meaning of section 4 of the <i>Police Superannuation Act 1974</i> "," and</p> <p>(d) omit the definition " Surrender value ".</p>
Section 21	Omit the expression " section 20 of this Act " and substitute the expression " section 20 of the <i>Police Superannuation Act 1974</i> ".
Section 22	<p>(a) Omit from subsection (10) the words " the surrender value, if any, payable in respect of the contributions, whether paid or in arrears, payable by him to the Fund to the date of such determination " and substitute the words " a sum equal to the aggregate of contributions, whether paid or in arrears, payable by him to the Fund to the date of such determination accumulated at the rate of one and one-quarter per centum per annum compound ";</p> <p>(b) at the end thereof, add the following subsection:— " (11) Where a person ceases to be a member of the Police Force but before the expiration of one month after so ceasing again becomes such a member, the person may, where the Board so approves (whether subject to conditions or unconditionally) on the application in writing of that person, be permitted to contribute to the Fund in respect of the period between his so ceasing to be a member of the Police Force and his again becoming such a member and where 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 a member of the Police Force during the period in respect of which he so contributes and this Act shall apply in relation to him accordingly."</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
Section 27	<p>Omit subsection (6) thereof and substitute the following subsection:—</p> <p style="padding-left: 40px;">“(6) The sum equal to the aggregate of all amounts paid by the contributor in respect of units of annuity benefit, incapacity benefit and assurance benefit surrendered under subsection (5) accumulated at the rate of one and one-quarter per centum per annum compound shall be paid to the contributor.”.</p>
Section 28	<p>Omit from subsection (1) the words “surrender value, if any, payable in respect of contributions paid by him or her in respect of units of annuity benefit and, in the case of a male contributor, assurance benefit, in excess of the reduced number of units shall be paid to him or her” and substitute the words “sum equal to the aggregate of all amounts paid by him or her in respect of units of annuity benefit, incapacity benefit and assurance benefit, in excess of the reduced number of units accumulated at the rate of one and one-quarter per centum per annum compound shall be paid to him or her”.</p>
Section 31	<p>Add at the end thereof the following subsections:—</p> <p style="padding-left: 40px;">“(14) For the purpose of subsection (15), “hypothetical fortnightly contribution” means the fortnightly contribution, as at the first day of January, 1975, that would have been payable by a contributor in respect of the units of benefit (hereinafter in this section referred to as the “said units of benefit”) for which he or she is a contributor under this Act as at that date (excluding any units of benefit that were effected pursuant to section 26 after the first day of August, 1974 and any reserve units of benefit) if—</p> <p style="padding-left: 80px;">(a) each (if any) of the said units of benefit that was taken up pursuant to section 26 had been effected immediately before the date of its becoming a unit of benefit in respect of which an election might be made under the said section; and</p> <p style="padding-left: 80px;">(b) each (if any) of the said units of benefit in respect of which any fortnightly contributions have been commuted by payment of a lump sum had not had the contribution in respect thereof so commuted,</p> <p style="padding-left: 40px;">but where neither paragraph (a) or (b) is applicable to the case in question means the fortnightly contribution as at the first day of January 1975 that is payable by a contributor in respect of the said units of benefit.</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
	<p>(15) A contributor whose hypothetical fortnightly contribution exceeds the sum equal to fifteen per centum, or, in case of a contributor whose age for retirement is sixty-five years, thirteen per centum, of his or her fortnightly salary as at the first day of January, 1975 may, by application in writing to the Board prior to the first day of March, 1975, have the actual fortnightly contribution that is payable by him or her as at that firstmentioned date in respect of the said units of benefit reduced by whichever is the lesser of—</p> <p>(a) the fortnightly contribution that is payable by the contributor as at the said first day of January; and</p> <p>(b) one-third of the excess of the hypothetical fortnightly contribution over the sum equal to fifteen per centum or, in the case of a contributor whose age for retirement is sixty-five years, thirteen per centum, of such fortnightly salary.</p> <p>(16) Any reduction in the actual fortnightly contribution under subsection (15) shall apply retrospectively on and from the first due date for the payment of the contributor's fortnightly contributions after the first day of January, 1975."</p>
Section 34	<p>Omit the words "surrender value, if any, of the reserve units of annuity benefit and, in the case of a male contributor, assurance benefit in respect of which he or she has so elected to discontinue his or her contributions" and substitute the words "sum equal to the aggregate of all amounts paid by him or her in respect of units of annuity benefit, incapacity benefit and assurance benefit for which he or she has so elected to discontinue his or her contributions accumulated at the rate of one and one-quarter per centum per annum compound".</p>
Section 35	<p>Add at the end thereof the following paragraph:—</p> <p>"In the case of a contributor who is continued in his or her employment as a member of the Police Force after attaining the age for retirement, benefits payable in respect of reserve units of annuity shall be payable to the contributor on his attaining this age and shall be at the same rate as that to which he would be entitled if he had ceased to be a member on attaining the age for retirement."</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
Section 35A	<p>(a) omit from subsection (1) the word “ annuity ” (firstly occurring);</p> <p>(b) omit from subsection (3) the words “ annuity benefit ” (where twice occurring) and insert in their stead the words “ annuity benefit, incapacity benefit ”; and</p> <p>(c) omit from paragraph (b) of subsection (4) the words “ the surrender value, if any, of such number of reserve units of annuity benefit and (in the case of a male contributor) assurance benefit ” and substitute the words “ the aggregate of all amounts (accumulated at the rate of one and one-quarter per centum per annum compound) contributed by the contributor in question in respect of such number of reserve units of annuity benefit, incapacity benefit and assurance benefit ”.</p>
Section 36	Omit from subsection (1) the expression “ of five years commencing on the seventh day of July, one thousand nine hundred and sixty-nine ” and substituting the expression “ commencing on 7th July 1969 and ending on 30th June 1975 ”.
Section 38	Omit subsection (3).
Section 39	<p>(a) omit subsection (4) and insert in its stead the following:—</p> <p style="padding-left: 2em;">“ (4) If by reason of incapacity to which subsection (3) applies a contributor is retired from employment as a member of the Police Force, he or she shall be entitled to be paid the sum equal to the aggregate of all amounts paid by him or her in respect of units of annuity benefit, incapacity benefit and assurance benefit under this Act accumulated at the rate of one and one-quarter per centum per annum compound, but, save such payment, such retirement shall determine all his or her right and interest in respect of benefits for which he or she was a contributor.”; and</p> <p>(b) omit subsection (5).</p>
Section 40	Omit subsection (3).
Section 42	<p>Insert after subsection (1), the following subsection:—</p> <p style="padding-left: 2em;">“ (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</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
	<p>assurance benefit to which the widow is entitled is assurance benefit calculated in accordance with the formula—</p> $P = A \times \frac{B}{C},$ <p>where—</p> <p>P represents the annual amount of assurance benefit payable to the widow;</p> <p>A represents the annual amount of assurance benefit that would have been payable to the widow but for this subsection;</p> <p>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 application under section 47A or section 38 (2) applied with respect to him, that would have been payable but for the application or the said section 38 (2) immediately before the death of that person;</p> <p>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."</p>
Section 44	<p>(a) Omit from paragraph (a) of subsection (1) the words "one hundred and fifty-six" and substitute the words "two hundred and eight";</p> <p>(b) omit from paragraph (b) of subsection (1) the words "three hundred and twelve" and substitute the words "four hundred and sixteen"; and</p> <p>(c) insert after subsection (1) the following subsection:—</p> <p style="padding-left: 2em;">“(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> $P = A \times \frac{B}{C},$ <p>where—</p> <p>P represents the annual amount of the benefit payable to the child;</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
	<p>A represents the annual amount of the benefit that would have been payable to the child but for this subsection;</p> <p>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 was a person to whom section 38 (2) applied, that would have been payable but for the commutation or the said section 38 (2) immediately before the death of that person;</p> <p>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."</p>
Section 45	<p>(a) Omit paragraph (a) from subsection (1);</p> <p>(b) omit from paragraph (b) of subsection (1) the words "to which paragraph (a) of this section does not apply and"; and</p> <p>(c) omit from paragraph (c) of subsection (1) the expression "(a) or".</p>
Section 46	<p>(a) Omit from subsection (1) the words "the surrender value of the number of units of annuity benefit under this Act for which he or she was then contributing" and substitute the words "a sum equal to the aggregate of all amounts contributed by him or her to the Fund in respect of units of annuity benefit for which he or she was then contributing accumulated at the rate of one and one-quarter per centum per annum compound"; and</p> <p>(b) omit subsection (3) and substitute the following subsection:—</p> <p style="padding-left: 40px;">“(3) When a person over the age for retirement who has been a contributor and who when he died was entitled to receive annuity benefit under this Act, dies before he has been in receipt of such benefit for a period of three years his legal personal representative or other person approved by the Board shall be entitled to be paid from the Fund the amount by which the aggregate of all payments from the Fund in respect of units of annuity benefit under this Act in respect of which he was entitled to the receipt of annuity benefit when he died that would</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
	<p>have been made if he had been in receipt of such annuity benefit for a period of three years exceeds the aggregate of all such payments that had been made to him before he died.</p> <p>For the purposes of this subsection—</p> <p>(a) it shall be deemed that the annuity benefit that would have been received by the person during any unexpired portion of the period of three years subsequent to his death shall be at the rate of one hundred dollars per annum per unit of annuity benefit; and</p> <p>(b) the provisions of section 51A shall be disregarded in calculating entitlement under this subsection.”.</p>
Section 47	<p>(a) Omit from subsection (1) the phrase “(without in the case of such a widower leaving him surviving any child in respect of whom additional assurance benefit is payable)”;</p> <p>(b) add at the end of subsection (1) the words “ accumulated at the rate of one and one-quarter per centum per annum compound ”;</p> <p>(c) omit subsection (2); and</p> <p>(d) omit from subsection (3) the words “ the surrender value of the number of units of assurance benefit for which he was contributing when he ceased to be a contributor ” and substitute the words “ a sum equal to the aggregate of all amounts contributed by him to the Fund in respect of units of assurance benefit for which he was contributing accumulated at the rate of one and one-quarter per centum per annum compound ”.</p>
Section 51A	<p>(a) Omit from subsection (2) the expression “ increased, in a case to which subparagraph (b) of this definition applies, by one ” and substitute the following expression:—</p> <p>“ increased, 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 and, where in the case in question the person to whom the benefit in question is payable is a person to whom paragraph (b) of this declaration as to “ T ” relates, further increased by one.”;</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
	<p>(b) omit from subsection (5) the words “ five and one-half per centum per annum ” and substitute the words “ six per centum per annum ”;</p> <p>(c) omit from subsection (5) the words “ thirty-five per centum ” and substitute the words “ two-sevenths, or, where the Treasurer determines a proportion for the purposes of section 49 (1) (b) of the <i>Police Superannuation Act 1974</i>, such other proportion, as determined by the Treasurer, that bears the same relativity to the proportion determined under section 49 (1) (b) as two-sevenths bears to five-sevenths.”; and</p> <p>(d) add at the end thereof, the following subsection:— “ (6) 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.”.</p>
Section 53	<p>Omit from subsection (3) the words “ the surrender value, if any, of each unit of any such benefit save incapacity benefit ” and insert in their stead the words “ the sum equal to the aggregate of all amounts paid by him in respect of units of annuity benefit and assurance benefit accumulated at the rate of one and one-quarter per centum per annum compound ”.</p>
Section 65A	<p>(a) Omit from subsection (2) the expression “ increased, in a case to which subparagraph (a) of this definition applies, by one ” and substitute the following expression:— “ increased, 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 and, where in the case in question the person to whom the benefit in question is payable is a person to whom paragraph (b) of this declaration as to “ T ” relates, further increased by one ”;</p> <p>(b) omit from subsection (4) the words “ five and one-half per centum per annum ” and substitute the words “ six per centum per annum ”;</p> <p>(c) omit from subsection (4) the words “ thirty-five per centum ” and substitute the words “ two-sevenths, or, where the Treasurer determines a proportion for the purposes of section 49 (1) (b) of the <i>Police Superannuation Act 1974</i>, such other proportion, as</p>

AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968-1971—
continued

Provisions amended	Amendments
	<p>determined by the Treasurer, that bears the same relativity to the proportion determined under the said section 49 (1) (b) as two-sevenths bears to five-sevenths.”; and</p> <p>(d) add at the end thereof the following subsection:—</p> <p>“(5) This section shall not apply in relation to superannuation allowance, pension payable to a widow or pension or sum payable in respect of a child payable by virtue of this Division 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 such allowance, pension or sum.”.</p>