

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 14 of 1984

An Act to amend the State Service Superannuation Act 1972–1978, the Public Service Superannuation Act 1958–1978, the Police Superannuation Act 1974–1979, the Police Superannuation Act 1968–1979 and the Parliamentary Contributory Superannuation Act 1970–1974, each in certain particulars and for related purposes

[ASSENTED TO 27TH FEBRUARY, 1984]

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.** This Act may be cited as the *Superannuation Acts Amendment Act 1984*.

2. **Commencement.** (1) Except as provided by the following subsections the provisions of this Act shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Sections 30 and 63 shall be deemed to have commenced on 1 September 1981 and the amendments thereby provided for to the *State Service Superannuation Act 1972-1978* and the *Public Service Superannuation Act 1958-1978* shall be given retrospective effect accordingly.

(3) Sections 114, 115 and 116 shall be deemed to have commenced on 29 August 1977 and the amendments provided for by section 114 to section 63 and by sections 115 and 116 to section 64 of the *Police Superannuation Act 1968-1979* shall be given retrospective effect accordingly.

(4) Sections 88 and 118 shall be deemed to have commenced on 1 September 1981 and the amendments thereby provided for to the *Police Superannuation Act 1974-1979* and the *Police Superannuation Act 1968-1979* shall be given retrospective effect accordingly.

(5) Part VI shall be deemed to have commenced on 22 October 1983 and the amendments thereby provided for to the *Parliamentary Contributory Superannuation Act 1970-1974* shall be given retrospective effect accordingly.

3. **Arrangement.** This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—AMENDMENT OF STATE SERVICE SUPERANNUATION ACT 1972-1978 (ss. 4-45);

PART III—AMENDMENT OF PUBLIC SERVICE SUPERANNUATION ACT 1958-1978 (ss. 46-68);

PART IV—AMENDMENT OF POLICE SUPERANNUATION ACT 1974-1979 (ss. 69-97);

PART V—AMENDMENT OF POLICE SUPERANNUATION ACT 1968-1979 (ss. 98-120);

PART VI—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT (ss. 121-135);

PART II—AMENDMENT OF STATE SERVICE SUPERANNUATION ACT 1972-1978

4. **Citation.** (1) In this Part the *State Service Superannuation Act 1972-1978* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *State Service Superannuation Act 1972-1984*.

5. Amendment of s. 2. Parts of Act. Section 2 of the Principal Act is amended by omitting the words “Widows’ pensions” and substituting the words “Relicts’ pensions”.

6. Amendment of s. 3. Application of Act. Section 3 of the Principal Act is amended by, in subsection (1)—

(a) omitting from paragraph (e) the word “widow” and substituting the word “relict”;

(b) omitting paragraph (f) and substituting the following paragraph:—

“(f) a child of any person referred to in paragraph (a), (b), (c), (d) or (e) or of a deceased or divorced spouse of any such person other than—

(i) in the case of a child of a relict, a child born on or after the passing of the *Superannuation Acts Amendment Act 1984* and the death of the contributor or pensioner that is not the issue of the contributor or pensioner; and

(ii) in the case of a child of a divorced spouse, a child that is not the issue of the contributor or pensioner.

7. Amendment of s. 4. Interpretation of terms. Section 4 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words ““contributor for full benefits”” and substituting the words ““contributor for category A benefits””;

(ii) omitting the words ““contributor for limited benefits”” and substituting the words ““contributor for category B benefits””;

(iii) omitting from the definition “final average increase in salary” paragraph (a) and substituting the following paragraph:—

“(a) his final average salary”

(iv) omitting the definition “final average salary” and substituting the following definition:—

““final average salary” means—

(a) in relation to a contributor who, on or after the passing of the *Superannuation Acts Amendment Act 1984*, attains the age for retirement or earlier retires from employment as an officer otherwise than by retiring or being retired on grounds of incapacity and who has received one or more increases in salary by reason of one or more appointments received by him after the passing of that Act and during the two years immediately preceding his attaining the age for retirement or his earlier retirement, the final average salary ascertained in accordance with section 4A; and

(b) in relation to any other contributor, the average fortnightly salary received by the contributor during the year immediately preceding his attaining the age for retirement or his earlier retirement from or death in employment as an officer;”;

(v) adding at the end of the definition “incapacity pension” the words “and who, in either case, has satisfied the Board as required by section 41”;

(vi) in the definition “officer”—

(A) omitting from paragraph (c) the words “(other than a married woman who is such an employee)”;

(B) adding at the end of paragraph (c) the words “and whose employment is not for a specified period of less than five years”;

(C) omitting from paragraph (d) the provision (iii) and substituting the following provision:—

“(iii) by the Prince Charles Hospital Development Centre Trust constituted under the *Prince Charles Hospital Development Centre Trust Act 1980*”;

(vii) inserting after the definition “pensioner” the following definitions:—

““relict” means, in relation to a person who has died and was at the date of his death a contributor or pensioner—

(a) a person who was legally married to the deceased person at the date of death and, in the case of a deceased pensioner, at the date of his attaining the age for retirement or his earlier final retirement from employment as an officer; and

(b) a person who, for a continuous period of three years at the least immediately preceding the date of death of the deceased person or, in the case of a deceased pensioner, for a continuous period of three years at the least immediately preceding the date of his attaining the age for retirement or of his earlier final retirement, had ordinarily lived in a connubial relationship with the deceased person, and who in the Board’s opinion was wholly or substantially dependent on the deceased person at the date of death;

“relict’s pension” means a pension payable under Division II of Part IV”;

(viii) omitting the definition “salary” and substituting the following definition:—

““salary” means—

(a) in relation to an officer appointed as a member of the Land Court or a commissioner of The Industrial Conciliation and Arbitration Commission on or after the passing of the *Superannuation Acts Amendment Act 1984* and who is to be deemed to be an officer, the rate of payment that would have been made to him by way of fixed remuneration for his services had he remained in the position held by him as an officer immediately before his appointment as such a member or commissioner; and

(b) in relation to any other officer, the rate of payment made to him by way of fixed remuneration for his services, unless otherwise determined by the Governor in Council,

and does not include any sum paid by way of fees or allowances except, in the case of an officer employed as a teacher, a sum paid to the officer as an allowance based on the number of pupils attending the school in which the officer is employed;”;

(ix) omitting the definition “the 1958 Act” and substituting the following definition:—

““the 1958 Act” means *The Public Service Superannuation Act of 1958* and that Act as subsequently amended;”;

(x) omitting the definitions “widow” and “widow’s pension”;

(b) omitting subsection (3) and substituting the following subsection:—

“(3) For the purpose of ascertaining the final average salary of a person who is a pensioner or has died in service as an officer the salary received by that person during the period of one year immediately preceding his attaining the age for retirement or his earlier retirement from or death in service shall include any increase in salary of a position held by him at any time during that period or, in the case of a member of the Land Court or a commissioner of The Industrial Conciliation and Arbitration Commission who is deemed to be an officer, in the salary that by definition is his salary for the purposes of this Act, being an increase that takes effect from a date within that period.”;

(c) adding at the end of the section the following subsections:—

“(10) In determining the age of a person for the purposes of this Act the time at which that person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

(11) Without prejudice to the operation of the *Acts Interpretation Act 1954–1977*, except where a contrary intention appears, a reference “he”, “him” or “his” in this Act includes a reference “she”, “her” or “her” and every word of the masculine gender shall be construed as including the feminine gender.”.

8. New s. 4A. The Principal Act is amended by inserting after section 4 the following section:—

“4A. Ascertainment of certain final average salaries. Where a contributor, on or after the passing of the *Superannuation Acts Amendment Act 1984*, retires from employment as an officer otherwise than by retiring or being retired on the ground of

incapacity and has received t increase(s) in salary (where t is a positive whole number) by reason of t appointment(s) received by him on or after the passing of that Act and during the two years immediately preceding his attaining the age for retirement or his earlier retirement, his final average salary shall be ascertained in accordance with the formula—

$$\text{if } t = 1 \quad \text{FAS}_t = A + \left[(B_t - A) \frac{n_t}{24} \right]$$

$$\text{if } t \text{ is greater than } 1 \quad \text{FAS}_t = \text{FAS}_{t-1} + \left[(B_t - B_{t-1}) \frac{n_t}{24} \right]$$

where

FAS_t represents the final average salary after t appointment(s) to be ascertained;

A represents the contributor's final average salary had he not received any increases in salary by way of appointment(s);

B_t represents the contributor's final average salary had he held the t^{th} appointment for the period of one year immediately preceding his attaining the age for retirement or his earlier retirement from employment as an officer;

n_t represents the number of whole months from the date on which he received the t^{th} appointment until the day immediately preceding the day he attained the age for retirement or his earlier retirement from employment as an officer.”.

9. Amendment of s. 18. The Fund. Section 18 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:—

“(5) The Treasurer shall pay to the Fund interest calculated—

(a) on and from 1 July 1982 at the rate of 10 per centum per annum; or

(b) on and from such other date as is prescribed from time to time pursuant to this subsection at a rate prescribed from time to time pursuant to this subsection,

upon the average monthly credit balance of the moneys standing to the credit of the Fund.

The Governor in Council may, upon the recommendation of the Treasurer, by Order in Council—

(a) prescribe a rate per annum at which interest payable to the Fund pursuant to this subsection shall be calculated; and

(b) prescribe a date on and from which such interest shall be calculated at that rate,

and such Order in Council shall be given effect.”.

10. Amendment of s. 20. Obligation of officers to contribute to the Fund. (1) Section 20 of the Principal Act is amended by—

(a) omitting subsection (5) and substituting the following subsection:—

“(5) If, at any time after a person becomes a contributor he furnishes evidence to the satisfaction of the Board that his health and physical condition are such as to justify him being accepted as a contributor for category A benefits, he is entitled to become such a contributor—

- (a) where he undergoes a medical examination within six months after becoming an officer who is required under this Act to contribute to the Fund, on the date on which he became such an officer; and
- (b) where he undergoes a medical examination after the expiration of six months after becoming an officer who is required under this Act to contribute to the Fund, on the date on which the Board accepts the medical evidence submitted to it following that medical examination or such earlier date as the Board in a particular case determines, being a date not earlier than the date on which he became such an officer.”;

(b) omitting subsection (6);

(c) omitting subsection (7) and substituting the following subsections:—

“(7) Except where it is otherwise expressly provided by this Act, where a contributor is absent from duty for any period without salary or on a salary less than his full salary he shall continue to contribute to the Fund during that period at the rate at which he would have been required to contribute to it if he had continued to receive his full salary in respect of that period.

(7A) Where absence from duty referred to in the preceding subsection, other than with leave of absence without salary by reason of incapacity, is for a continuous period of 14 days or more (whether or not working days) he shall, unless he elects pursuant to subsection (7B), in addition to continuing to contribute to the Fund as provided by the preceding subsection pay to the State Service Superannuation Additional Benefits Fund in respect of the period of absence amounts equal to the payments that are required to be made by an employer to it under subsection (2) or (4) of section 52 in respect of a contributor during a period of absence without salary.

(7B) A contributor who would be required to pay amounts to the State Service Superannuation Additional Benefits Fund pursuant to subsection (7A) or a contributor for category B benefits who is absent from duty with leave of absence without salary by reason of incapacity and who has not completed 10 years’

service at the commencement of such absence may elect in writing furnished to the Board not to pay contributions to the Fund in respect of the period of his absence whereupon—

- (a) contribution to the Fund in respect of the contributor shall cease to be payable in respect of the period of his absence;
- (b) the Board shall waive the payments to the State Service Superannuation Additional Benefits Fund (if any) that would be required by that subsection to be made by the contributor; and
- (c) the benefits to which the contributor or his dependants may become entitled under this Act shall be reduced by such amounts as are determined by the Actuary and approved by the Board.

(7C) The Governor in Council may waive the requirement under subsection (7A) to make payments to the State Service Superannuation Additional Benefits Fund either unconditionally or upon such terms and conditions as he determines, either in a particular case or in respect of a class of case, and such waiver shall be given effect.”.

(2) The provisions of subsections (7), (7A), (7B) and (7C) of section 20 of the *State Service Superannuation Act 1972-1984*, provided by this Act, apply in respect of a contributor (as defined by that Act) who is absent from duty immediately before the passing of this Act and the absence is such that it is within the terms of subsection (7A) of section 20 of that Act if his absence from duty extends beyond the passing of this Act.

11. Amendment of s. 22. Time and manner of paying contributions. Section 22 of the Principal Act is amended by—

(a) omitting subsection (2A) and substituting the following subsection:—

“(2A) A contributor who, pursuant to subsection (7) or (7A) of section 20, is required to pay contributions to the Fund and to make payment to the State Service Superannuation Additional Benefits Fund in respect of a period of absence from duty—

- (a) shall, before commencing the period of absence, pay to the Fund and to the State Service Superannuation Additional Benefits Fund the total amount of contributions and payments that he is so required to pay; or
- (b) shall, before commencing the period of absence, make arrangements satisfactory to the Board for payment of the total amount of contributions and payments that he is so required to pay.

Where a contributor to whom this subsection applies does not comply with paragraph (a) or (b) the benefits to which the contributor or his dependants may become entitled under this

Act may be reduced by such amounts as are determined by the Actuary and approved by the Board.”;

(b) in subsection (3), omitting the expression “20 (7)” and substituting the expression “20 (7) and (7A)”;

(c) in subsection (4)—

(i) omitting the expression “sections 20 (7) and 22 (2A)” where it first occurs and substituting the words “this Act or the 1958 Act”;

(ii) omitting all words from and including “where, in the opinion of the Board,” to and including “hardship”.

(d) in subsection (7), inserting after the words “such determination” the words “accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of five per centum per annum compound”;

(e) omitting subsection (8) and substituting the following subsection:—

“(8) Except where it is otherwise provided by this Act, a contributor—

(a) shall continue to contribute as prescribed to the Fund until he attains the age for retirement or his employment as an officer is sooner terminated by earlier retirement, death, resignation or otherwise howsoever;

(b) shall, in respect of a period of leave or absence, with or without salary, pay contribution, as for a period of service, without reduction.”.

12. Repeal of and new s. 23. Suspension of contribution. The Principal Act is amended by repealing section 23 and substituting the following section:—

“**23. Suspension of contribution.** (1) Where an officer has been absent from duty with leave of absence without salary by reason of incapacity for a continuous period of 14 days (whether or not working days) his liability to pay contributions to the Fund under this Act shall be suspended for the whole of the period that he has been or continues to be so absent but if he resumes employment as an officer contributions shall again become payable.

(2) Subsection (1) does not apply to a contributor—

(a) who has not satisfied the Board as required by section 41 (1);

(b) in respect of whom the Board has made a determination under section 43 (2); or

(c) who, being a contributor for category B benefits, has not completed 10 years’ service at the commencement of the period of absence in question unless the Board has made a determination in respect of him under section 64A.”.

13. New s. 24A. The Principal Act is amended by inserting after section 24 the following section:—

“24A. Provision for female contributors to contribute for benefits under Divisions II and III of Part IV. (1) A female officer who is a contributor immediately before the passing of the *Superannuation Acts Amendment Act 1984* may elect, in writing furnished to the Board, within six months after the passing of that Act to increase the rate of her contribution to the Fund sufficient to secure for her the benefits provided for by Divisions II and III of Part IV.

(2) If in connexion with her election referred to in subsection (1) the contributor furnishes to the Board evidence satisfactory to the Board that her health and physical condition are such as to justify her being accepted as a contributor for the benefits provided for by Divisions II and III of Part IV she is entitled to become such a contributor.

(3) The additional rate of contribution payable by a contributor who elects under subsection (1) and is entitled to become a contributor for the benefits aforesaid shall be such rate as the Board, after consultation with the Actuary, may determine and shall be payable by the contributor on and from a date determined by the Board.

(4) The additional rate of contribution referred to in subsection (3) shall be determined in relation to each elector having regard to whether she is a contributor by whom an additional rate of contribution pursuant to section 24 (4), (4A) or (5) is payable and, if she is such a contributor, shall be determined at an amount such as will enable the length of service for the purpose of calculating the benefits aforesaid payable in respect of her to be regarded as the length of service ascertained in the manner prescribed by section 24 (6) and determined by the Board.

(5) If in relation to a contributor by whom an additional rate of contribution is payable pursuant to this section the Board makes a determination under section 24 (6A) that cancels or varies a Board's determination made under section 24 (4), (4A) or (5) in relation to that contributor, the additional rate of contribution payable by the contributor pursuant to this section shall be adjusted, having regard to that cancellation or variation, the ascertainment of the contributor's length of service for the purposes of this section shall be adjusted accordingly and the Board shall make to the contributor a refund of such part of her contributions to the Fund pursuant to this section as the Actuary determines is justified, having regard to the reduced liability of the Fund.”

14. Amendment of s. 25. Further provisions re contributions. Section 25 of the Principal Act is amended by, in subsection (4)—

(a) omitting the words “(a) in the case of a male contributor” and substituting the words—

“ (a) in the case of a male contributor or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—”;

(b) omitting the words “(b) in the case of a female contributor—” and substituting the words—

“(b) in the case of a female contributor who was a contributor immediately before the passing of the *Superannuation Acts Amendment Act 1984*—”.

15. Amendment of s. 26. Calculation of Service. Section 26 of the Principal Act is amended by, in paragraph (d), omitting the expression “(7)” and substituting the expression “(7B)”.

16. Amendment of s. 27. Rights of contributors for full benefits. Section 27 of the Principal Act is amended by—

(a) omitting from the note in and at the beginning of the section the word “full” and substituting the words “category A”;

(b) in subsection (1), adding at the end of paragraph (c) the words “and satisfies the Board as required by section 41 (1)”;

(c) in subsection (7), inserting after the words “continuing contributor)” the words “who satisfies the Board as required by section 41 (1)”.

17. Amendment of s. 28. Rights of continuing contributors for full benefits. Section 28 of the Principal Act is amended by—

(a) omitting from the note appearing in and at the beginning of the section the word “full” and substituting the words “category A”;

(b) in subsection (1), adding at the end of paragraph (c) the words “and satisfies the Board as required by section 41 (1)”;

(c) in subsection (6), omitting the words “full benefits” and substituting the words “category A benefits who satisfies the Board as required by section 41 (1)”.

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

(a) omitting from the note appearing in and at the beginning of the section the word “limited” and substituting the words “category B”;

(b) in subsection (2)—

(i) adding at the end of paragraph (a) the words “and satisfies the Board as required by section 41 (1)”;

(ii) inserting after the words “section 24” within the brackets in the general words following paragraph (b) the words “or under section 24A”;

(iii) adding after paragraph (d) the following words:—

“;

(e) in the case of additional contributions payable under section 24A, such sum as is determined by the Actuary and approved by the Board”.

(c) omitting subsection (3);

(d) in subsection (4), omitting the words “ and has completed at least 20 years’ service ” and substituting the words “ , satisfies the Board as required by section 41 (1) and has completed at least 10 years’ service ”;

(e) omitting subsection (4A) and substituting the following subsection:—

“ (4A) In respect of any period of sick leave of absence without salary for longer than two weeks, by reason of incapacity, from his employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit, and being leave of absence approved by the person or authority authorized by law to approve such leave a contributor for category B benefits who satisfies the Board as required by section 41 (1) and who has completed at least 10 years’ service before the commencement of such leave of absence is entitled after the expiration of the first two weeks of such leave of absence to the pension that would be payable to him if he had been a contributor for category A benefits.”;

(f) in subsection (5), omitting the words “ (other than factor “A” in subsection (3) and subsection (4A)) ”.

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

(a) omitting from the note appearing in and at the beginning of the section the word “ limited ” and substituting the words “ category B ”;

(b) in subsection (2), adding at the end of paragraph (a) the words “ and satisfies the Board as required by section 41 (1) ”;

(c) omitting subsection (3);

(d) in subsection (4), omitting the words “ and has completed at least 20 years’ service ” and substituting the words “ , satisfies the Board as required by section 41 (1) and has completed at least 10 years’ service ”;

(e) omitting subsection (4A) and substituting the following subsection:—

“ (4A) In respect of any period of sick leave of absence without salary for longer than two weeks, by reason of incapacity, from his employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit and being leave of absence approved by the person or authority authorized by law to approve such leave, a contributor for category B benefits who satisfies the Board as required by section 41 (1) and who has completed at least 10 years’ service before the commencement of such leave of absence is, in addition to the benefits to which he may be entitled under the 1958 Act, entitled after the expiration of the first two weeks of such leave of absence to the pension that would be payable to him if he had been a contributor for category A benefits.”;

(f) in subsection (5), omitting the words “ (other than factor “A” in subsection (3) and subsection (4A)) ”.

20. Repeal of and new s. 31. The Principal Act is amended by repealing section 31 and omitting the heading immediately preceding that section and substituting the following heading and section:—

“ *Division II—Relicts’ pensions* ”

31. Entitlement to pension. (1) Subject to this section—
- (a) the relict of a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years’ service;
 - (b) the relict of a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984* and who was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years’ service, being a relict who in the Board’s opinion was wholly financially dependent upon the contributor immediately before his or her death;
 - (c) the relict of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A and who was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years’ service, being a relict who in the Board’s opinion was wholly financially dependent upon the contributor immediately before her death;
 - (d) the relict of a male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and who, immediately before becoming eligible for a pension, was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years’ service;
 - (e) the relict of a male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled to or, but for the operation of section 44, would have been entitled to a pension from the Fund and who, immediately before becoming eligible for a pension, was—
 - (i) a contributor for category A benefits; or

- (ii) a contributor for category B benefits and had completed at least 10 years' service; and
- (f) the relict of a female pensioner who—
 - became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
 - became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A
 and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled to or, but for the operation of section 44, would have been entitled to a pension from the Fund and who, immediately before becoming eligible for a pension was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years' service,

is, on and from the date next following the date of death of the contributor or pensioner, entitled to a pension calculated at the rate prescribed by subsection (3) or (4), whichever is applicable.

(2) For the purposes of this section a relict shall be taken to be wholly financially dependent on a contributor notwithstanding that he or she is in receipt of an income that in the Board's opinion is insufficient to maintain for that relict a reasonable standard of living.

(3) Where a contributor for category B benefits who attained the age for retirement before the passing of the *Superannuation Acts Amendment Act 1984* dies in service or a former contributor for category B benefits who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* dies and the contributor or former contributor was immediately before his death entitled to a pension under section 29 (4) or 30 (4) and at the time of his retirement or attaining the age for retirement, whichever first occurred, had completed at least 10 years' service but less than 20 years' service, his relict is entitled on and from the date following the day of his death to a pension calculated in accordance with the formula—

$$P = A \times \frac{B}{20} \times 0.667,$$

where—

P represents the fortnightly amount of the pension to the widow;

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

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

(4) Subject to subsection 9, a relict's pension other than one to which subsection (3) relates is payable—

- (a) in the case of the relict of a contributor who dies before attaining the age for retirement, at the rate of 66·7 per centum 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 relict of a contributor who has continued in his employment as an officer after attaining the age for retirement, at the rate of 66·7 per centum of the pension that would have been payable to the contributor immediately before his death if he had retired on attaining the age for retirement;
- (c) in the case of the relict of a person who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 47, at the rate of 66·7 per centum of the pension that would have been payable to that person immediately before his death if he had not made the election and, in the case of an officer who had not retired, as if he had retired;
- (d) in any other case, at the rate of 66·7 per centum of the pension to which his or her spouse was entitled or, but for the operation of section 44, would have been entitled immediately before his or her death.

(5) A relict's pension ceases to be payable if the relict remarries or marries.

(6) Subject to subsection (7), where a person who as a relict is entitled to a relict's pension remarries or marries and—

(a) again becomes widowed; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is, in the Board's opinion, likely to suffer hardship if the benefit prescribed by this subsection is not granted to him or her,

that person shall (subject to subsection (5)) be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b) (whichever is relevant to the case) as if he or she had not remarried or, as the case may be, married.

This subsection applies so as to confer the benefit herein prescribed upon a person who is of a description specified herein notwithstanding that she has become a person of that description before the passing of the *Superannuation Acts Amendment Act 1984* but in that case she shall be entitled to the benefits on and from the passing of that Act.

(7) A relict is not entitled to receive more than one relict's pension and where, but for this subsection, he or she would be entitled to receive more than one such pension he or she shall be deemed to derive his or her sole entitlement to pension under this section through the contributor or pensioner through whom he or she would derive the greatest entitlement to receive a pension.

(8) Where the contributor or pensioner through whom entitlement to pension under this section is derived is or was a male continuing contributor immediately before he finally ceased to contribute to the Fund, the entitlement to pension under this section is in addition to the benefits (if any) derived through the contributor or pensioner pursuant to the 1958 Act.

(9) Where the contributor or pensioner through whom entitlement to pension under this section is derived is or was a female continuing contributor who had increased the rate of her contribution to the Fund pursuant to section 24A, a pension shall be payable to the relict entitled to a pension under this section (other than this subsection) at a rate determined by the Actuary and approved by the Board in lieu of the rate prescribed by subsection (4).

(10) For the purposes of subsection (1) and (3) additional service determined by the Board under section 24 (6) shall be disregarded.

(11) The pension payable to a relict in receipt of a relict's pension immediately before the commencement of section 15 of the *Superannuation Acts Amendment Act 1976* shall be and has been on and from the commencement of that section the amount of pension being paid to her immediately before the commencement of that section multiplied by 1.0672."

21. Amendment of s. 31A. Apportionment of widow's pension. Section 31A of the Principal Act is amended by—

(a) omitting from the note appearing in and at the beginning of the section the word “widow's” and substituting the word “relict's”;

(b) omitting subsection (1) and substituting the following subsection:—

“(1) Where a contributor or pensioner dies and is survived by more than one relict—

(a) a relict's pension is payable at such rate as would be applicable if there were but one relict entitled to a relict's pension; or

(b) in the case where the deceased contributor was a person who contributed for category B benefits and had less than 10 years' service, the benefit provided for by section 35 shall be in such amount as would be payable if there were but one relict entitled to the benefit,

and the pension or benefit is payable to those relicts in such proportions as the Board determines having regard to their respective needs and to such other matters as it considers relevant.

The Board may in respect of the payment of a pension pursuant to this subsection make a determination from time to time and in that case, the pension is payable in accordance with the Board's determination last made.”;

(c) in subsection (2)—

(i) omitting the words “widow's pension” where they twice occur and substituting in each case the words “relict's pension”;

(ii) inserting before the words “her death” the words “his or”.

22. New s. 31B. The Principal Act is amended by inserting after section 31A the following section:—

“**31B. Right of relict to substitute lump sum for pension.** (1) Subject to this section, a relict entitled to a relict's pension may make application to the Board to substitute payment to him or her of a lump sum for the entitlement to a pension or for any part of the entitlement.

(2) An application under subsection (1)—

(a) shall be in writing;

(b) shall be made within six months after the date on which the entitlement to a relict's pension arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire; and

(c) shall specify the percentage of the relict's pension entitlement for which the applicant desires to substitute a lump sum payment.

(3) The amount of lump sum to be paid in respect of an application under subsection (1) shall be such amount as is determined by the Actuary and approved by the Board.

(4) Where a lump sum payment is substituted for a relict's pension entitlement, the entitlement—

- (a) in the case of substitution of a lump sum payment for the whole of the entitlement, shall cease; or
- (b) in the case of substitution of a lump sum payment for a specified percentage of the entitlement, shall be reduced by that specified percentage.

(5) This section does not apply to a relict of a person who was employed on the staff of the Agent-General for Queensland being a person who was liable—

- (a) to pay tax under the law of the United Kingdom relating to tax on incomes; or
- (b) to contribute for national insurance, including graduated pensions under the law of the United Kingdom relating to national insurance.”.

23. **New s. 31C.** The Principal Act is amended by inserting after section 31B the following section:—

“ 31C. **Benefit for non-dependent relicts.** A relict of—

- (a) a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984* and who, in the case of a contributor for category B benefits, had completed at least 10 years' service; or
- (b) a female contributor who had increased the rate of her contribution to the Fund pursuant to section 24A and who, in the case of a contributor for category B benefits, had completed at least 10 years' service,

who is not entitled to a pension under section 31 is entitled to payment of a lump sum in an amount determined by the Actuary and approved by the Board.”.

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

(a) omitting subsection (2) and substituting the following subsection:—

“ (2) This section applies to—

- (a) every child of a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who when he died was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years' service;
- (b) every child of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the Fund pursuant to section 24A and who when she died was—
 - (i) a contributor for category A benefits; or

- (ii) a contributor for category B benefits and had completed at least 10 years' service
where in the opinion of the Board the child was wholly dependent on the contributor when she died;
- (c) every child of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A and who when she died was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years' service;
- (d) every child of a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984* and who when he died was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years' service;
- (e) every child of a deceased male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and who, immediately before becoming eligible for a pension, was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years' service;
- (f) every child of a deceased male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled to or, but for the operation of section 44, would have been entitled to a pension from the Fund and who, immediately before becoming eligible for a pension, was—
 - (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years' service;
- (g) every child of a deceased female pensioner who—
became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A
and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled to or, but for the operation of section 44, would have been entitled to a pension from the Fund

and who, immediately before becoming eligible for a pension was—

- (i) a contributor for category A benefits; or
 - (ii) a contributor for category B benefits and had completed at least 10 years' service;
- (h) every child of a deceased or divorced spouse of a person who when he died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child referred to in subparagraph (i) or (ii) of paragraph (f) of section 3 (1);
- (i) every child of the relict of a person who when he died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child referred to in subparagraph (i) or (ii) of paragraph (f) of section 3 (1)”;
- (b) in subsection (3),
- (i) omitting from paragraph (a) the words “widow” and “widow’s” and substituting respectively the words “relict” and “relict’s”;
- (ii) inserting after the words “under this Act” in paragraph (a) the words; “or to a payment under section 31c”;
- (iii) omitting paragraph (b) and substituting the following paragraph:—
- “(b) in any case other than a case to which paragraph (a) applies, including the case of a child who at the passing of the *Superannuation Acts Amendment Act 1984* is entitled to a child’s pension under paragraph (b) of section 32 (3) of the *State Service Superannuation Act 1972–1978*, at a rate equal to a percentage in accordance with the following Table of—
- (i) in the case of a child of a contributor who dies before attaining the age for retirement, 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;
 - (ii) in the case of a child of a contributor who has continued in his employment as an officer after attaining the age for retirement, the pension that would have been payable to the contributor immediately before his death if he had retired on attaining the age for retirement;
 - (iii) in the case of a child of a person who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 47, the pension that would have been payable to that person immediately before his death if he had not made the election and, in the case of an officer who had not retired, as if he had retired;

- (iv) in any other case, the pension payable to the person through whom the entitlement to the child's pension is derived immediately before his or her death—

TABLE

one child	..	..	45 per centum
two children	..	..	40 per centum in respect of each child
three children	..	..	30 per centum in respect of each child
four or more children	..	..	100 per centum divided by the number of children in respect of each child:

Provided that each child who is entitled to a pension under this paragraph (b) shall be paid a fortnightly rate of pension so that, when that rate is added to any rate of benefit to which he is entitled under the 1958 Act, the total rate payable shall be at least equal to twice the fortnightly rate of pension that he would have been paid had he been a case to which paragraph (a) applies.

Provided further that where a child's pension commences to be payable at a particular rate, that rate shall not be increased except as provided for in section 36A.”;

- (c) in subsection (4),

(i) omitting all words from and including the words “The pension payable” to and including the words “with the formula—” and substituting the following words:—

“Where a contributor or former contributor for category B benefits who had completed at least 10 years' service but less than 20 years' service attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*, the child's pension payable to a child who derives his entitlement through that contributor or former contributor shall, in lieu of the pension to which but for this subsection he would have been entitled, be a pension calculated in accordance with the formula—”;

(ii) omitting the definition B and substituting the following definition:—

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

- (d) in subsection (5),

(i) omitting the words “limited benefits” and substituting the words “category B benefits”;

(ii) omitting all words from and including “20 years' service” to and including “age of 20 years” and substituting the words “10 years' service”;

(e) omitting subsection (6) and substituting the following subsection:—

“(6) Where by reason of the death of a contributor or a pensioner the only entitlement derived through him is an entitlement to a child’s pension arising on or after the passing of the *Superannuation Acts Amendment Act 1984* the amount of pension payable in respect of the child or, where there are more than one child who derive the entitlement, in respect of all of them shall equal at the least the amount that would be payable in respect of one child (being a child deriving his entitlement through that contributor or pensioner) under this section for a period of five years calculated at the rate at which a pension was payable in respect of one child (being a child deriving his entitlement through that contributor or pensioner) at the date when the entitlement to the pension in question commenced.”;

(f) in subsection (7)—

(i) omitting the words “(a) and (b)” and substituting the words “(a), (b), (c), (d), (e), (f) and (g)”;

(ii) omitting the words “factor B in”;

(g) omitting subsection (8) and substituting the following subsection:—

“(8) A child who is entitled under paragraph (a) of subsection (3) to payment of a child’s pension in respect of him shall not be entitled to additional assurance benefit under the 1958 Act.”

25. Amendment of s. 33. Commencement and cessation of children’s pensions. Section 33 of the Principal Act is amended by, in subsection (2), omitting the words “23 years” and substituting the words “25 years”.

26. Amendment of s. 34. Persons to whom a child’s pension is payable. Section 34 of the Principal Act is amended by, in subsection (1), omitting the word “widow” where it twice occurs and substituting in each case the word “relict”.

27. Amendment of s. 35. Refund of contributions. Section 35 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the word “or” where it occurs between paragraphs (b) and (c);

(ii) inserting after paragraph (c) the following expression and paragraph:—

“;

(d) his being retired or permitted to retire on the ground of incapacity where he has not satisfied the Board as required by section 41 (1)”;

(iii) inserting after the words “Additional Benefits Fund” the words “, such contributions or payments being accumulated on and

after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of five per centum per annum compound,”;

(b) omitting subsection (2) and substituting the following subsection—

“(2) In the event of the death, before attaining the age for retirement, of a contributor whose death does not give rise to an entitlement under Division II or III or under subsection (3) the Board shall pay a sum equal to the total amount of the contributor’s contributions to the Fund under this Act and any payments made by him to the State Service Superannuation Additional Benefits Fund, such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of five per centum per annum compound, to the personal representative of the contributor or, if the Board considers it desirable to do so, to such person as the Board may determine.”;

(c) omitting subsection (3) and substituting the following subsection:—

“(3) Where a contributor for category B benefits dies before attaining the age for retirement and has completed less than 10 years’ service at the time of his death and in the case of—

(a) a male contributor;

(b) a female contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;

(c) a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contributions pursuant to section 24A,

leaves a relict or children or, in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contributions pursuant to section 24A, leaves children who in the opinion of the Board were wholly dependent on the contributor when she died, then—

(d) in a case referred to in provision (a), (b) or (c) of this subsection, the relict or, if there be children only, the personal representative of the contributor; or

(e) in any other case, the personal representative of the contributor,

is entitled to be paid out of the Fund a sum equal to three and one-half times the total amount of the contributor’s contributions to the Fund under this Act, other than any additional contributions under subsection (4) or (4A) of section 24 or under section 24A, and—

(f) in the case of additional contributions paid under subsection (4) of section 24, a sum equal to two and six-sevenths times the total amount of such additional contributions;

- (g) in the case of additional contributions paid under subsection (4A) of section 24, a sum equal to the total amount of such additional contributions;
- (h) in the case of additional contributions paid under section 24A, such sum as is determined by the Actuary and approved by the Board.”;
- (d) omitting subsection (5) and substituting the following subsection:—
 - “ (5) For the purposes of subsection (3) additional service determined by the Board under section 24 (6) shall be disregarded.”;
- (e) in subsection (6), omitting the words “ twenty-three years ” and substituting the words “ twenty-five years ”.

28. Amendment of s. 36. Increases in rates of benefits. Section 36 of the Principal Act is amended by omitting the word “ widow’s ” wherever it occurs and substituting in each case the word “ relict’s ”.

29. Amendment of s. 36A. Adjustment of pensions. Section 36A of the Principal Act is amended by—

- (a) omitting the word “ September ” wherever it occurs and substituting in each case the word “ August ”;
- (b) omitting the word “ August ” wherever it occurs in subsections (7) and (8) and substituting in each case the word “ July ”.

30. New s. 36B. The Principal Act is amended by inserting after section 36A the following section:—

“ **36B. Variation of entitlement to adjustment.** (1) Where in the opinion of the Board a pensioner would be prejudicially affected by an increase in his pension under section 36A the Board may determine—

- (a) that the pensioner receive no increase in pension under that section; or
- (b) that the pensioner receive an increase in pension less than that provided for by that section,

and the determination shall be given effect according to its terms notwithstanding that section.

(2) The Board may revoke or vary a determination under subsection (1).

In the event of a revocation of a determination the amount of the pension to which the determination related shall, as from the date of the revocation, be the same as if the determination had not been made.

In the event of a variation of a determination the amount of the pension to which the determination relates shall, as from the date of the variation, be in accordance with the determination as so varied.

(3) Unless it is otherwise determined by the Board, for the purpose of determining the rate of pension payable under section 31 or 32 all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the pensioner shall be deemed to have been receiving, immediately before his death, the amount of pension that would have been payable to him had no such determination been made.”

31. New s. 41. The Principal Act is amended by inserting after section 40 the following section:—

“**41. Entitlement to receive incapacity pension.** (1) Before a person—

- (a) who is retired or permitted to retire as an officer by reason of incapacity; or
- (b) who has been absent from duty with leave of absence without salary by reason of incapacity for a continuous period of 14 days (whether or not working days),

is entitled to payment of an incapacity pension or to payment from the Fund of a sum on account of incapacity he shall satisfy the Board that the incapacity is such as to render him unfit to discharge or incapable of discharging the duties of his office efficiently.

(2) Where the Board is not satisfied of the extent of the incapacity of any person it shall inform that person (if it is he who approached the Board in the matter) or the person, body or authority by whom that person is or was employed as an officer (in any other case) and, upon the request of that person or such person, body or authority, shall refer the matter to a medical board consisting of—

the Director-General of Health and Medical Services or a medical practitioner nominated by him, who shall be chairman;

a medical practitioner nominated by the Director-General of Health and Medical Services; and

the Government Medical Officer or a medical practitioner nominated by him.

(3) It is the duty of the members of the medical board—

- (a) to determine whether the incapacity is such as to render the person in question unfit to discharge or incapable of discharging the duties of his office efficiently; and
- (b) to inform the Board of its determination.

(4) With the consent of the person in question the medical board may obtain through the Director-General of Health and Medical Services (who is hereby authorized to gather the evidence) such medical evidence as is, in its opinion, necessary to enable it to properly perform the duty imposed on its members by this section.

(5) Except in performance of a duty imposed on him by this Act or the 1958 Act or in compliance with any compulsory process of law, every member of the medical board and every other person who assists in the administration of this section shall preserve and aid in preserving secrecy with respect to all matters to which this section is relevant that come to his knowledge in his official capacity.”.

32. Amendment of s. 42. Proof of continued incapacity. Section 42 of the Principal Act is amended by, in subsection (1)—

(a) omitting all words from and including the words “Any person” to, and including the words “incapacity pension” where they first occur and substituting the words “Any person who is in receipt of incapacity pension”;

(b) omitting the words “a medical practitioner” and substituting the words “any medical practitioner or medical practitioners”.

33. Repeal of and new s. 43. The Principal Act is amended by repealing section 43 and substituting the following section:—

“ 43. Failure of incapacity pensioner restored to health to resume employment affects entitlement. (1) If in the opinion of the Board the health of any person who is in receipt of incapacity pension and who has not attained the age for retirement has been restored to such an extent as to enable him to perform duties as an officer efficiently, the Board shall so inform the person, body or authority by whom that person is or was employed as an officer, to the intent that the person, body or authority so informed shall—

(a) in the case of the person in receipt of incapacity pension being absent from duty with leave of absence without salary, instruct that person to resume employment with him or it forthwith; or

(b) in the case of the person in receipt of incapacity pension having had his employment terminated by reason of the incapacity, take all practicable steps to find employment for that person as an officer in his or its employment.

(2) If—

(a) in the case of a person in receipt of incapacity pension being absent from duty with leave of absence without salary, the Board has pursuant to subsection (1) informed the person, body or authority by whom that person is employed as an officer as prescribed by that subsection and that person has not resumed such duty;

(b) in a case referred to in paragraph (b) of subsection (1) employment referred to in that paragraph is offered to the person in receipt of incapacity pension at a rate of salary at least equal to the rate of salary then payable in respect of the office held by him at the time he became eligible for the incapacity pension and he fails to accept that employment,

the Board may cancel that person's incapacity pension and thereupon it shall cease to be payable.

Where the Board cancels a person's incapacity pension it shall forthwith inform him in writing of the cancellation.

(3) Where a person's incapacity pension is cancelled under subsection (2) neither that person nor any other person claiming through him, either immediately or at any future time, shall be entitled to any payment or further payment from the Fund by way of any benefit for which that person was contributing to the Fund but that person shall be paid from the Fund a sum equal to the total amount of his contributions to the Fund less an amount certified by the Actuary to be attributable to the provision of incapacity pension.

The preceding paragraph shall not be construed to prevent a person whose incapacity pension has been cancelled under subsection (2) or any other person claiming through him from becoming entitled to any benefits for which that person contributes to the Fund after he has again become an officer and a contributor."

34. Amendment of s. 47. Right of contributor to convert his pension into a lump sum. Section 47 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

"(1) A person who is or was prior to his or her retirement a contributor may, subject to this section elect to convert into a lump sum payment his or her pension entitlement under this Act, other than an entitlement to an incapacity pension on account of absence from duty with leave of absence without salary by reason of incapacity—

- (a) as to the whole thereof, in the case of an entitlement to an incapacity pension; or
- (b) as to the whole or any part thereof, in the case of an entitlement to a contributor's pension.";

(b) omitting subsection (2) and substituting the following subsection:—

"(2) A person who is or was prior to his or her retirement a continuing contributor is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to an incapacity pension under this Act unless he or she also elects to convert into a lump sum payment the whole of his or her entitlement to incapacity benefit under the 1958 Act."

(c) adding to subsection (2A) the following paragraph:—

"This subsection does not apply in relation to a contributor of a description referred to in the preceding paragraph who before the passing of the *Superannuation Acts Amendment Act 1984* was retired or permitted to retire on the ground of incapacity.";

(d) in subsection (3),

(i) omitting the word “ and ” where it occurs between paragraphs (b) and (c);

(ii) inserting after paragraph (b) the following paragraph and word:—

“ (c) shall, in the case of a person who is entitled to payment of an incapacity pension, subject to subsection (11), be made before the expiration of a period of six months after the date on which the entitlement to the pension arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire and shall be effective only if, in the Board’s opinion, the elector is medically competent to make the election; and ”;

(e) re-designating the existing paragraph (c) as paragraph (d);

(f) omitting subsection (4) and substituting the following subsection:—

“ (4) In the case of an election under this section made in respect of a pension entitlement, other than an entitlement to an incapacity pension, the notice of election shall specify the percentage of the elector’s pension entitlement that he desires to convert into a lump sum.”;

(g) omitting subsections (5) and (6) and substituting the following subsections:—

“ (5) Where a contributor retires from employment as an officer on attaining the age for retirement or within the period of five years immediately preceding the day on which he would attain the age for retirement and duly elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor’s pension—

(a) he shall be paid from the Fund—

(i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years’ service,) a sum equal to that specified percentage of the amount of his fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Part I of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;

(ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years’ service,) a sum equal to that specified percentage of the amount of her fortnightly

pension entitlement under this Act multiplied by the factor set forth in the second column of Part II of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule; and

- (b) the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage.

(6) Where a contributor retires from employment as an officer on attaining the age for retirement or within the period of five years immediately preceding the day on which he would attain the age for retirement and duly elects to convert the whole of his entitlement to a contributor's pension—

- (a) he shall be paid from the Fund—

(i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years' service,) a sum equal to the amount of his or her fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Part I of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;

(ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years' service,) a sum equal to the amount of her fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Part II of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule; and

- (b) his or her entitlement to a contributor's pension under this Act ceases.

(h) omitting subsections (7), (8) and (8A) and substituting the following subsections:—

“(7) Where a contributor (other than one who has made an election under section 24 (4) or (4A)) who has attained the age for retirement, has duly elected under this section and has continued in employment as an officer, he shall, in lieu of the lump sum payment from the Fund to which he would have been entitled under subsection (5) or (6), be entitled to be paid from the Fund—

- (a) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years'

service) who elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor's pension—

- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act* 1984, a sum equal to 261 times that specified percentage of two sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement; or
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act* 1984, a sum equal to 287 times that specified percentage of two sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement; and
 - (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a), upon his or her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 261 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
 - (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (a), upon her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement multiplied by such factor not exceeding 287 as the Actuary determines having regard to her age at the time she retires or is retired,
- and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;
- (b) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years' service) who elects to convert the whole of his or her entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act* 1984, a sum equal to 261 times the amount of two-sevenths of his or her fortnightly pension

entitlement under this Act if he or she had retired on attaining the age for retirement; or

- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 287 times the amount of two-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement; and
- (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), upon his or her retiring or being retired from employment as an officer, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 261 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (b), upon her retiring or being retired from employment as an officer, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement multiplied by such factor not exceeding 287 as the Actuary determines having regard to her age at the time she retires or is retired,

and his or her entitlement to a contributor's pension under this Act ceases.

(8) Where a contributor (being a contributor who has made an election under section 24 (4)) who has attained the age for retirement, has duly elected under this section and has continued in employment as an officer, he shall, in lieu of the lump sum payment from the fund to which he would have been entitled under subsection (5) or (6), be entitled to be paid from the Fund—

- (a) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years' service) who elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5) of section 27; or
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts*

Amendment Act 1984, a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5) of section 27;

- (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a) a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5) of section 27; or
- (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (a) a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5) of section 27; and
- (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a), upon his or her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and that specified percentage of sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 261 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (a), upon her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and that specified percentage of sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if she had retired on attaining the age for retirement multiplied by such factor not exceeding 287 as the Actuary determines having regard to her age at the time she retires or is retired;

and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;

- (b) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years' service) who elects to convert the whole of his or her entitlement to a contributor's pension—
- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5) of section 27; or
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 287 times the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5) of section 27;
 - (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b) a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5) of section 27; or
 - (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (b) a sum equal to 287 times the amount of her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5) of section 27; and
 - (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), upon his or her retiring or being retired from employment as an officer, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 261 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
 - (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (b), upon her retiring or being retired from employment as an officer, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and sixty-five per centum of the pension attributable

to section 24 (4) that would have been payable if she had retired on attaining the age for retirement, multiplied by such factor not exceeding 287 as the Actuary determines having regard to her age at the time she retires or is retired,

and his or her entitlement to a contributor's pension under this Act ceases.

(8A) Where a contributor (being a contributor who has made an election under section 24 (4A)) who has attained the age for retirement, has duly elected under this section and has continued in employment as an officer, he shall, in lieu of the lump sum payment from the Fund to which he would have been entitled under subsection (5) or (6), be entitled to be paid from the Fund—

- (a) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years' service) who elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27;
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27;
 - (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a) a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27; or
 - (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (a) a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27; and
 - (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a), upon his or her retiring or being retired from

employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted multiplied by such factor not exceeding 261 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or

- (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (a), upon her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 287 as the Actuary determines having regard to her age at the time she retires or is retired,

and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;

- (b) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years' service) who elects to convert the whole of his or her entitlement to a contributor's pension—

- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27; or
- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 287 times the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27;
- (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b) a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27; or
- (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (b) a sum equal to 287 times the amount of her fortnightly pension entitlement referred

to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27; and

- (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), upon his or her retiring or being retired from employment as an officer, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted multiplied by such factor not exceeding 261 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (b), upon her retiring or being retired from employment as an officer, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 287 as the Actuary determines having regard to her age at the time she retires or is retired,

and his or her entitlement to a contributor's pension under this Act ceases.

- (i) inserting after subsection (8A) the following subsections:—

“(8B) A person who is or was a contributor for category B benefits and has had less than 10 years' service and who duly elects to convert the whole or a part of his entitlement to a contributor's pension shall be entitled to the same payment from the Fund as he would be entitled to under subsection (5), (6), (7), (8) or (8A), according to his circumstances, had he been a contributor for category A benefits except that the factor by which the amount of his fortnightly pension entitlement is to be multiplied for the purpose of the relevant subsection shall be such factor as the Actuary determines on the basis of evidence as to his state of health produced under subsection (12), not exceeding the factor that under the relevant subsection would have been applicable in his case had he been a contributor for category A benefits.

(9) Where a contributor becomes entitled to an incapacity pension (other than a pension payable under this Act in respect of any period of leave of absence from employment as an officer without salary for longer than two weeks by reason of incapacity) after the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the Fund a sum

equal to 235 times the amount of his or her fortnightly pension entitlement less the amount of pension that he or she has been paid before making the election to the exclusion of any other entitlement he or she might otherwise have had under this section, and his or her entitlement to an incapacity pension under this Act ceases.

(10) Where a contributor became entitled to an incapacity pension (other than a pension payable under this Act in respect of any period of leave of absence from employment as an officer without salary for longer than two weeks by reason of incapacity) before the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the Fund a sum determined by the Actuary and approved by the Board and his entitlement to an incapacity pension under this Act ceases.

(11) Where at the passing of the *Superannuation Acts Amendment Act 1984* a contributor who has been retired or permitted to retire from employment as an officer by reason of incapacity is not entitled to payment of an incapacity pension but subsequently becomes so entitled he or she may make an election under this section before the expiration of three months after he or she subsequently becomes so entitled and thereupon subsection (10) shall apply in respect of him or her.”;

(j) omitting the existing subsections (9), (10) and (11) and substituting the following subsections:—

“ (12) A person who is or was a contributor for category B benefits and has less than 10 years’ service and who duly elects to convert the whole or a part of his entitlement to a contributor’s pension shall produce to the Board evidence of his state of health at the time of the election satisfactory to the Board and in determining the lump sum payable from the Fund under this section to him due weight shall be given to that evidence.

(13) This section does not apply to a person who is or was employed on the staff of the Agent-General for Queensland and is or was a contributor and who—

(a) being liable to pay tax under the law of the United Kingdom relating to tax on incomes, is not exempted from payment of such tax; or

(b) being liable to contribute for national insurance including graduated pensions under the law of the United Kingdom relating to national insurance,

is not exempted therefrom.”.

35. Repeal of and new s. 48. The Principal Act is amended by repealing section 48 and substituting the following section:—

“ **48. Endowment benefit in lieu of relict’s pension.** A male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who on or after the passing of that Act attains the age for retirement or retires within the period of five years immediately preceding the day on

which he would attain that age and duly elects under section 47 otherwise than in respect of an incapacity pension, other than a contributor for category B benefits who has not completed 10 years' service at the time of his retirement or of his attaining the age for retirement whichever is the earlier, is entitled, in addition to the benefits prescribed by that section, to an amount determined by the Actuary and approved by the Board having regard to the period for which the contributor contributed to the Fund before the passing of that Act."

36. Repeal of s. 49. Child's pension not affected by an election under this Division. The Principal Act is amended by repealing section 49.

37. Amendment of s. 52. State Service Superannuation Additional Benefits Fund. Section 52 of the Principal Act is amended by—

(a) in subsection (2), omitting the expression "20 (7)" and substituting the expression "20 (7A)";

(b) in subsection (4),

(i) omitting the words "on leave" and substituting the words "from duty";

(ii) omitting the word "leave" and substituting the word "absence";

(iii) omitting the expression "20 (7)" and substituting the expression "20 (7A)";

(c) in subsection (5), omitting all words from and including the words "six per centum" to and including the words "seven per centum per annum" and substituting the words "10 per centum per annum in respect of the financial year ending on 30 June 1983 and in respect of each financial year thereafter an earning rate of not less than 10 per centum per annum or such other rate as is prescribed from time to time by Order in Council".

38. Repeal of and new s. 63. The Principal Act is amended by repealing section 63 and substituting the following section:—

"63. Position of beneficiary who becomes an officer. A person who—

(a) being a contributor under this Act or the 1958 Act,

(i) has retired within a period of five years immediately preceding the day on which he would attain the age for retirement and has thereby become entitled to any payment on account of any entitlement under this Act or any benefit under the 1958 Act, other than his entitlement to an incapacity pension under this Act or his incapacity benefit under the 1958 Act; or

(ii) has retired or has been permitted to retire on the ground of incapacity and has converted his entitlement to an incapacity pension under this Act or his

incapacity benefit under the 1958 Act into a lump sum payment,

again becomes an officer; or

- (b) being a contributor under the *Police Superannuation Act 1974* or that Act as amended (herein called “the 1974 Act”) or the *Police Superannuation Act 1968* or that Act as amended (herein called “the 1968 Act”), has retired or been retired and has thereby become entitled to any payment on account of any entitlement under the 1974 Act or any benefit under the 1968 Act, and becomes an officer,

is not obliged and shall not be permitted to contribute to the Fund.”.

39. Amendment of s. 64. Medical examinations. Section 64 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “full or limited” and substituting the words “category A”;

(b) in subsection (3), inserting after the words “in this Act” the words “and subject to sections 41 and 42”.

40. New s. 64A. The Principal Act is amended by inserting after section 64 the following section:—

“**64A. Conversion from category B to category A benefits in certain cases.** Where the death, retirement by reason of incapacity or absence on sick leave without salary of a contributor for category B benefits or the reason for the lump sum payable under section 47 to a contributor for category B benefits being less than that which would have been payable to him had he been a contributor for category A benefits, being a contributor—

(a) who has had less than 10 years’ service; and

(b) in respect of whom medical evidence has been submitted to and accepted by the Board that warrants his being such a contributor,

is not, in the Board’s opinion, related to the reason that warrants his being a contributor for category B benefits, the Board may determine that benefits payable by it on account of his death, retirement or, as the case may be, absence shall be such as if he had been a contributor for category A benefits, whereupon the benefits shall be payable accordingly.”.

41. New s. 64B. The Principal Act is amended by inserting after section 64A the following section:—

“**64B. Rectification of contributor’s status falsely induced.** (1) Where a person has been accepted as a contributor for category A benefits and it subsequently appears to the Board that he has

suppressed or failed to fully disclose information concerning his health or physical condition, the Board may determine—

- (a) where the person is still a contributor, that he cease to be a contributor for category A benefits and that he be a contributor for category B benefits and be deemed to have been a contributor for category B benefits on and from the date of his acceptance as a contributor; or
- (b) where the person is no longer a contributor, that he be deemed never to have been a contributor for category A benefits but to have been a contributor for category B benefits on and from the date of his acceptance as a contributor.

(2) Where a contributor has made an election under section 24A that has been accepted by the Board and it subsequently appears to the Board that she has suppressed or failed to fully disclose information concerning her health or physical condition the Board may determine—

- (a) where she is still a contributor, that she cease to contribute for benefits provided by additional contributions payable under section 24A and that she contribute for the benefit for which she was contributing at the time she made the election; or
- (b) where she is no longer a contributor, that she be deemed never to have made additional contributions payable under section 24A but to have always been a contributor for the benefits for which she was contributing at the time she made the election.

(3) A person in respect of whom the Board's determination is made under subsection (1) shall become and be or, as the case may be, shall be deemed to have been a contributor for category B benefits according to the tenor of the Board's determination.

A person in respect of whom the Board's determination is made under subsection (2) shall become and be or, as the case may be, shall be deemed to have been a contributor for benefits according to the tenor of the Board's determination.

(4) Where payment under this Act, by way of pension or a lump sum, has been made or, by way of pension, is being made to or on account of a person in respect of whom the Board has made a determination under subsection (1) or (2) in any case in an amount to which he or she is not entitled under this Act, having regard to such determination, the Board may—

- (a) recover from him or her by action in a court of competent jurisdiction as a debt due and owing to the Board the difference between the payment made and the amount to which he or she would have been entitled under this Act as a contributor according to the tenor of the Board's determination;

- (b) deduct from moneys that may at any time become payable under this Act to or on account of him or her the difference between the payment made and the amount to which he or she would have been entitled under this Act as a contributor according to the tenor of the Board's determination; and
- (c) in the case of a pensioner—
- (i) order that his or her pension be cancelled forthwith (whereupon his or her entitlement to a pension under this Act shall cease) and, if he or she is no longer a contributor, may further order—
- that no other payment, to which he or she would be entitled under this Act if the further order had not been made, be made to him or her or on his or her account;
- that any other such payment be made to him or her or on his or her account only to an extent determined by the Board
- (whereupon his or her entitlement under this Act to any other such payment shall cease or, as the case may be, be reduced accordingly); or
- (ii) order that his or her pension be reduced forthwith to a rate determined by the Board (whereupon his or her entitlement under this Act to a pension shall be reduced accordingly),
- and any such order shall be given effect and complied with.

(5) The provisions of this section apply in respect of a person who at the passing of the *Superannuation Acts Amendment Act 1984* has ceased to be a contributor as well as in respect of a person who at such passing is or thereafter becomes a contributor.

(6) Where a determination referred to in paragraph (a) of subsection (2) has been made the contributor or, if she has died, her personal representative shall be entitled to a refund of additional contributions paid by her under section 24A accumulated at the rate of five per centum per annum compound.”.

42. Amendment of s. 66. Discretionary powers of the Board. Section 66 of the Principal Act is amended by, in subsection (1)—

- (a) omitting the words “, otherwise than through his own fault,”;
- (b) inserting after the words “ might have obtained,” the words “ by reason of his being unaware of the availability of the right, privilege or benefit or of circumstances substantially beyond his control that prevented his being entitled to the right, privilege or benefit.”.

43. Amendment of s. 72. Offences to be dealt with summarily. Section 72 of the Principal Act is amended by—

- (a) numbering the existing provisions as subsection (1);

(b) adding at the end of the section the following subsection:—

“(2) Proceedings in respect of an offence against this Act may be commenced at any time within one year from the time when the matter of complaint arose or within six months after the offence comes to the knowledge of the complainant, whichever period is the later to expire.”.

44. Discontinuance of expressions “full benefits” and “limited benefits”. (1) The Principal Act is amended by—

(a) omitting the expression “contributor for full benefits” wherever it occurs and substituting in each case the expression “contributor for category A benefits”;

(b) omitting the expression “contributor for limited benefits” wherever it occurs and substituting in each case the expression “contributor for category B benefits”.

(2) Any person who before the passing of this Act was a contributor for limited benefits shall on and from the passing of this Act be taken to be and to have been a contributor for category B benefits:

Provided that the entitlements of a person who at the passing of this Act is a pensioner and was a contributor for limited benefits or of any person entitled through him shall not be affected by any amendment of the Principal Act by a provision of this Act.

45. Amendment of schedule 1A. Commutation factors. Schedule 1A to the Principal Act is amended by—

(a) in the heading “PART I—COMMUTATION FACTORS FOR MALES”, omitting the words “FOR MALES”;

(b) in the heading “PART II—COMMUTATION FACTORS FOR FEMALES”, omitting the words “FOR FEMALES”.

PART III—AMENDMENT OF PUBLIC SERVICE SUPERANNUATION ACT 1958–1978

46. Citation. (1) In this Part the *Public Service Superannuation Act 1958–1978* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Public Service Superannuation Act 1958–1984*.

47. Amendment of s. 4. Meaning of terms. Section 4 of the Principal Act is amended by—

(a) in the definition “widow” omitting from paragraph (a) the word “or” and substituting the word “and”;

(b) adding at the end of the section the following subsection:—

“(3) In determining the age of a person for the purposes of this Act the time at which that person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.”.

48. Amendment of s. 24. Officer reduced in salary. Section 24 of the Principal Act is amended by omitting from the third paragraph all words from and including the words “but so that,” to the end of the section.

49. Amendment of s. 26. Period for which contributions are to continue. (1) Section 26 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) omitting from the first paragraph the words “ other leave of absence ” and substituting the words “ other absence from duty ”;
 - (ii) omitting the second paragraph and the two provisos thereto;
- (b) inserting after subsection (1) the following subsections:—

“ (1A) Where absence from duty referred to in the preceding subsection, other than with leave of absence without salary by reason of incapacity, is for a continuous period of 14 days or more (whether or not working days) he shall, unless he elects pursuant to subsection (1B), in addition to continuing to contribute to the Fund as provided by the preceding subsection pay to the State Service Superannuation Additional Benefits Fund in respect of the period of absence amounts equal to the payments that are required to be made by an employer to it under subsection (2) or (4) of section 52 of the *State Service Superannuation Act 1972–1984* in respect of a contributor during a period of absence without salary.

(1B) A contributor who would be required to pay amounts to the State Service Superannuation Additional Benefits Fund pursuant to subsection (1A) may elect in writing furnished to the Board not to pay contributions to the Fund in respect of the period of his absence whereupon—

- (a) contribution to the Fund in respect of the contributor shall cease to be payable in respect of the period of his absence;
- (b) the Board shall waive the payments to the State Service Superannuation Additional Benefits Fund that would be required by that subsection to be made by the contributor; and
- (c) the benefits to which the contributor or his dependants may become entitled under this Act shall be reduced by such amounts as are determined by the Actuary and approved by the Board.

(1C) The Governor in Council may waive the requirement under subsection (1A) to make payments to the State Service Superannuation Additional Benefits Fund either unconditionally or upon such terms and conditions as he determines, either in a particular case or in respect of a class of case, and such waiver shall be given effect.”;

(c) omitting subsection (2) and substituting the following subsection:—

“ (2) Where an officer has been absent from duty with leave of absence without salary by reason of incapacity for a continuous period of 14 days (whether or not working days) his liability to pay contributions to the Fund under this Act shall be suspended for the whole of the period that he has been or continues to be so

absent but if he resumes employment as an officer contributions shall again become payable by him.”;

(d) omitting subsection (3) and substituting the following subsection:—

“(3) A contributor who, pursuant to subsection (1) or (1A), is required to pay contributions to the Fund and to make payment to the State Service Superannuation Additional Benefits Fund in respect of a period of absence from duty—

(a) shall, before commencing the period of absence, pay to the Fund and to the State Service Superannuation Additional Benefits Fund the total amount of contributions and payments that he is so required to pay; or

(b) shall, before commencing the period of absence, make arrangements satisfactory to the Board for payment of the total amount of contributions and payments that he is so required to pay.

Where a contributor to whom this subsection applies does not comply with paragraph (a) or (b) the benefits to which the contributor or his dependants may become entitled under this Act may be reduced by such amounts as are determined by the Actuary and approved by the Board.”;

(2) The provisions of subsections (1A), (1B) and (1C) of section 26 of the *Public Service Superannuation Act 1958–1984*, provided by this Act, apply in respect of a contributor (as defined by that Act) who is absent from duty immediately before the passing of this Act and the absence is such that it is within the terms of subsection (1A) of section 26 of that Act if his absence from duty extends beyond the passing of this Act.

50. Amendment of s. 27E. Payment of lump sum on ceasing to contribute. Section 27E of the Principal Act is amended by, in subsection (1), inserting after the words “ shall be entitled ” the words “ , subject in the case of a person referred to in paragraph (a) to his or her satisfying the Board as required by section 43E.”.

50A. Amendment of s. 28. Amount of contribution by the Crown. Section 28 of the Principal Act is amended by, in provision (c), adding at the end thereof the words “ other than section 37 ”.

51. Amendment of s. 29. When entitlement to annuity benefit accrues. Section 29 of the Principal Act is amended by, in subsection (2), adding at the end of paragraph (i) the words “ and is receiving an incapacity benefit immediately before attaining that age ”.

52. Amendment of s. 31. When entitlement to incapacity benefit accrues. Section 31 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “ three, four and five of this section ” and substituting the words “ (3) and (5) and by section 32A.”;

(b) in subsection (2), adding at the end of paragraph (b) the following words:—

“; and in either case subject to the contributor or person in question satisfying the Board as required by section 43E”.

53. New s. 32A. The Principal Act is amended by inserting after section 32 the following section:—

“ 32A. **Application to commute incapacity benefit.** (1) A person who, before the passing of the *Superannuation Acts Amendment Act* 1984, has been retired or permitted to retire from employment as an officer by reason of incapacity or, after the passing of that Act, is retired or permitted to retire from employment as an officer by reason of incapacity and, in either case is entitled to receive an incapacity benefit may, subject to this section, apply in writing to the Board to convert into a lump sum payment the whole of his or her incapacity benefit entitlement under this Act.

(2) A person who is or was prior to his or her retirement a contributor under the *State Service Superannuation Act* 1972–1984 is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to incapacity benefit under this Act unless he or she also elects to convert into a lump sum payment the whole of his or her entitlement to an incapacity pension under the *State Service Superannuation Act* 1972–1984.

(3) An application under subsection (1)—

(a) shall be made, subject to subsection (5), before the expiration of a period of six months after the date on which the entitlement to the incapacity benefit arises or arose or after the passing of the *Superannuation Acts Amendment Act* 1984, whichever period is the later to expire;

(b) shall be effective only if, in the Board’s opinion, the applicant is medically competent to make the application; and

(c) shall be made in respect of all the units of incapacity benefit including any excess units to which section 56 applies and any reserve unit of incapacity benefit for which he or she contributed other than a reserve unit of incapacity benefit in respect of which he or she has elected to receive payment of the sum prescribed by section 27E.

(4) A person who under subsection (1) duly makes an application that is approved by the Board shall be paid from the Fund a sum determined by the Actuary and approved by the Board and his or her entitlement to an incapacity benefit under this Act ceases.

(5) Where at the passing of the *Superannuation Acts Amendment Act* 1984 a person who has been retired or permitted to retire from employment as an officer by reason of incapacity is not entitled to payment of an incapacity benefit but subsequently

becomes so entitled he or she may make an application under subsection (1) before the expiration of three months after he or she subsequently becomes so entitled and thereupon subsection (4) shall apply in respect of him or her.

(6) This section does not apply to a person who was employed on the staff of the Agent-General for Queensland and was a contributor and who—

(a) being liable to pay tax under the law of the United Kingdom relating to tax on incomes; or

(b) being liable to contribute for national insurance including graduated pensions under the law of the United Kingdom relating to national insurance,

is not exempted therefrom.”.

54. Amendment of s. 33. When entitlement to assurance benefit accrues. Section 33 of the Principal Act is amended by—

(a) in subsection (2)—

(i) omitting paragraph (iia) and substituting the following paragraph:—

“(iia) a person who, having attained the age of 65 years before the passing of the *Superannuation Acts Amendment Act 1984*, has died or who, having retired before the passing of that Act by reason of an election mentioned in paragraph (iv) of section 29 (2), has died and who, in either case, has commuted (pursuant to Division VA of Part IV or Division XIV of Part V) for a lump sum the whole of the annuity benefit to which he was entitled under this Act, if her marriage to him took place or her connubial relationship with him has subsisted for a continuous period of three years at the least immediately before he attained that age or, in the case of retirement pursuant to an election aforesaid, immediately before that retirement;

(ii) inserting in paragraph (iii) after the words “under this Act” the words “and who at the date of his death was entitled to or, but for the operation of section 45 (4) would have been entitled to an incapacity benefit under this Act”;

(b) omitting subsection (4) and substituting the following subsection:—

“(4) Subject to subsection (5), where a person who is a widow to whom this section applies remarries or marries and—

(a) again becomes a widow; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is, in the Board’s opinion, likely to suffer hardship if the benefit prescribed by this section is not granted to her,

that person shall be entitled to assurance benefit on and from the occurrence of the event referred to in paragraph (a) or (b) (whichever is relevant to the case) as if she had not remarried or, as the case may be, married.

This subsection applies so as to confer the benefit herein prescribed on a person who is of a description specified herein notwithstanding that she has become a person of that description before the passing of the *Superannuation Acts Amendment Act 1984* but in that case she shall be entitled to the benefit on and from the passing of that Act.

55. Amendment of s. 34; sub-s. (2). Amount of assurance benefit. Section 34 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) **Amount of assurance benefit.** Subject to this Act, a widow to whom section 33 applies shall be entitled to receive assurance benefit according to the number of units for which the person whose widow she is was contributing immediately before he ceased to be a contributor:

Provided that where a person who on or after the passing of the *Superannuation Acts Amendment Act 1984* attains the age for retirement or retires by reason of an election mentioned in paragraph (iv) of section 29 (2) has commuted (pursuant to Division VA of Part IV or Division XIV of Part V) for a lump sum the whole or a part of the annuity benefit to which he was entitled under this Act his widow shall not be entitled to receive assurance benefit in respect of the number of units of assurance benefit equal to the number of units of annuity benefit that have been commuted.”.

56. New s. 34B. The Principal Act is amended by inserting after section 34A the following section:—

“**34B. Right of widow to substitute lump sum for assurance benefit.** (1) Subject to this section, a widow entitled to assurance benefit may make application to the Board to substitute payment to her of a lump sum for the entitlement to that benefit or for any part of the entitlement.

(2) An application under subsection (1)—

(a) shall be in writing;

(b) shall be made within six months after the date on which the entitlement to assurance benefit arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire; and

(c) shall specify the number of units of the widow's assurance benefit for which the applicant desires to substitute a lump sum payment.

(3) The amount of lump sum to be paid in respect of an application under subsection (1) shall be such amount as is determined by the Actuary and approved by the Board.

(4) Where a lump sum payment is substituted for a widow's assurance benefit the units of benefit for which that payment is substituted shall cease to exist.

(5) This section does not apply to a widow of a person who was employed on the staff of the Agent-General for Queensland being a person who was liable—

- (a) to pay tax under the law of the United Kingdom relating to tax on income; or
- (b) to contribute for national insurance, including graduated pensions under the law of the United Kingdom relating to national insurance.”.

57. Amendment of s. 35. Children entitled to additional assurance benefit. Section 35 of the Principal Act is amended by—

(a) in subsection (2),

(i) omitting from paragraph (a) subparagraph (i) and substituting the following subparagraph:—

“(i) Who, having attained the age for retirement before the passing of the *Superannuation Acts Amendment Act 1984*, has died before, on or after the passing of that Act or who, having retired before the passing of that Act by reason of an election mentioned in paragraph (iv) of section 29 (2), has died before, on or after the passing of that Act or who has died on or after the passing of that Act and was a contributor or was receiving annuity benefit or incapacity benefit immediately before his death;”.

(ii) omitting paragraph (b) and substituting the following paragraph:—

“(b) A deceased or divorced wife of a person referred to in paragraph (a) except the child of a divorced wife that is not the issue of that person.”;

(iii) omitting paragraph (c) and substituting the following paragraph:—

“(c) The widow of a person referred to in paragraph (a) except a child born after the passing of the *Superannuation Acts Amendment Act 1984* and the death of that person that is not the issue of that person.”;

(b) in subsection (3), omitting from subparagraph (i) of paragraph

(b) the words “ twenty-three ” and substituting the words “ twenty-five ”.

58. Amendment of s. 36. Amount of additional assurance benefit. Section 36 of the Principal Act is amended by—

(a) in subsection (1), omitting paragraph (b) and substituting the following paragraph:—

“(b) in any case other than a case to which paragraph (a) applies, including the case of a child who at the passing of the *Superannuation Acts Amendment Act 1984* is entitled to

additional assurance benefit under paragraph (b) of section 36 (1) of the *Public Service Superannuation Act 1958-1978*, at a rate in accordance with the following Table in respect of each unit of assurance benefit for which the person through whom the entitlement to additional assurance benefit arose or arises was contributing when he died or otherwise ceased to be a contributor—

TABLE

one child	\$1.73 per fortnight
two children ..	\$1.54 per fortnight in respect of each child
three children ..	\$1.15 per fortnight in respect of each child
four or more children	\$3.84 per fortnight divided by the number of children in respect of each child:

Provided that each child who is entitled to additional assurance benefit under this paragraph (b) shall be paid a fortnightly rate so that, when that rate is added to any rate of pension to which he is entitled under the *State Service Superannuation Act 1972-1984*, the total rate payable shall be at least equal to twice the rate that he would have been paid had he been a case to which paragraph (a) applies.

Provided further that where a child's pension commences to be payable at a particular rate, that rate shall not be increased except as provided for in section 43B.”;

(b) adding at the end of the section the following subsection:—

“(3) Where by reason of the death of a contributor or a person in receipt of benefit the only entitlement derived through him is an entitlement to an additional assurance benefit arising on or after the passing of the *Superannuation Acts Amendment Act 1984* the amount of benefit payable in respect of the child or, where there are more than one child who derive the entitlement, in respect of all of them shall equal at the least the amount that would be payable in respect of one child (being a child deriving his entitlement through the contributor or person in receipt of benefit) under this section for a period of five years calculated at the rate at which a pension was payable in respect of one child (being a child deriving his entitlement through that contributor or person in receipt of benefit) at the date when the entitlement to the additional assurance benefit commenced.”.

59. Repeal of and new s. 37. The Principal Act is amended by repealing section 37 and substituting the following section:—

“**37. Endowment payment in lieu of units of assurance benefit.**
A contributor who on or after the passing of the *Superannuation*

Acts Amendment Act 1984 attains the age for retirement or retires before attaining that age by reason of an election mentioned in paragraph (iv) of section 29 (2) and—

- (a) who commutes for a lump sum all or any of the units of annuity benefit for which he was contributing immediately before he ceased to be a contributor, is entitled, in addition to the payment of the lump sum for which he has commuted and to annuity benefit (if any), to an amount determined by the Actuary and approved by the Board in respect of each unit of assurance benefit for which he was so contributing up to and including the number of units of annuity benefit in respect of which he has commuted for a lump sum and he shall be paid from the Fund in respect of the assurance benefit for which he was so contributing a sum equal to that amount multiplied by a number equal to the number of units of annuity benefit in respect of which he has commuted but not exceeding the number of units of assurance benefit for which he was so contributing; or
- (b) who, being a person through whom there is at the time he ceases to be a contributor no person who would derive an assurance benefit upon his death, either—
 - (i) does not commute as referred to in paragraph (a); or
 - (ii) was contributing at the time he ceased to be a contributor for a number of units of assurance benefit in excess of the number of units of annuity benefit in respect of which he has commuted as referred to in paragraph (a),

is entitled, in addition to annuity benefit and to the payment (if any) to which he is entitled under paragraph (a), to an amount determined by the Actuary and approved by the Board in respect of each unit of assurance benefit for which he was contributing immediately before he ceased to be a contributor or, as the case may be, in respect of each of those excess units of assurance benefit and he shall be paid from the Fund a sum equal to that amount multiplied by a number equal to the number of units of assurance benefit for which he was so contributing or, as the case may be, by a number equal to the number of those excess units of assurance benefit.

60. Amendment of s. 38. Refunds of annuity benefit contributions.

Section 38 of the Principal Act is amended by, in subsection (1), omitting the second paragraph and substituting the following paragraph:—

“ This subsection does not apply to a person who is retired or permitted to retire from employment as an officer by reason of incapacity and who satisfies the Board as required by section 43E or to a person referred to in section 73B (7) who dies.”

61. Amendment of s. 39A. Section 39A of the Principal Act is amended by omitting subsection (4A).

62. Amendment of s. 43B. Adjustment of pensions. Section 43B of the Principal Act is amended by—

(a) omitting the word “September” wherever it occurs and substituting in each case the word “August”;

(b) omitting the word “August” wherever it occurs in subsections (7) and (8) and substituting in each case the word “July”.

63. New s. 43D. The Principal Act is amended by inserting after section 43C the following section:—

“**43D. Variation of entitlement to adjustment.** (1) Where in the opinion of the Board a person in receipt of a benefit under this Act would be prejudicially affected by an increase in his benefit under section 43B the Board may determine—

(a) that such person receive no increase in benefit under that section; or

(b) that such person receive an increase in benefit less than that provided for by that section,

and the determination shall be given effect according to its terms notwithstanding that section.

(2) The Board may revoke or vary a determination under subsection (1).

In the event of a revocation of a determination the amount of the benefit to which the determination related shall, as from the date of the revocation, be the same as if that determination had not been made.

In the event of a variation of a determination the amount of the benefit to which the determination relates shall, as from the date of the variation, be in accordance with the determination as so varied.

(3) Unless it is otherwise determined by the Board, for the purpose of determining the amount of benefit payable under section 34, 35 or 43C all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the person in receipt of benefit shall be deemed to have been receiving, immediately before his death or, as the case may be, immediately before becoming entitled to the subsequent pension referred to in section 43C, the amount of benefit that would have been payable to him had no such determination been made.”

64. New s. 43E. The Principal Act is amended by inserting after section 43D the following section:—

“**43E. Entitlement to receive incapacity benefit.** (1) Before a person—

(a) who is retired or permitted to retire as an officer by reason of incapacity; or

- (b) who has been absent from duty with leave of absence without salary by reason of incapacity for a continuous period of 14 days (whether or not working days),

is entitled to payment of an incapacity benefit or to payment from the Fund of a sum on account of incapacity he shall satisfy the Board that the incapacity is such as to render him unfit to discharge or incapable of discharging the duties of his office efficiently.

(2) Where the Board is not satisfied of the extent of the incapacity of any person it shall inform that person (if it is he who approached the Board in the matter) or the person, body or authority by whom that person is or was employed as an officer (in any other case) and, upon the request of that person or such person, body or authority, shall refer the matter to a medical board consisting of—

the Director-General of Health and Medical Services or a medical practitioner nominated by him, who shall be chairman;

a medical practitioner nominated by the Director-General of Health and Medical Services; and

the Government Medical Officer or a medical practitioner nominated by him.

- (3) It is the duty of the members of the medical board—

(a) to determine whether the incapacity is such as to render the person in question unfit to discharge or incapable of discharging the duties of his office efficiently; and

(b) to inform the Board of its determination.

(4) With the consent of the person in question the medical board may obtain through the Director-General of Health and Medical Services (who is hereby authorized to gather the evidence) such medical evidence as is, in its opinion, necessary to enable it to properly perform the duty imposed on its members by this section.

(5) Except in performance of a duty imposed on him by this Act or the *State Service Superannuation Act 1972-1984* or in compliance with any compulsory process of law, every member of the medical board and every other person who assists in the administration of this section shall preserve and aid in preserving secrecy with respect to all matters to which this section is relevant that come to his knowledge in his official capacity.”.

65. Amendment of s. 44. Proof of continued incapacity. Section 44 of the Principal Act is amended by—

(a) omitting all words from and including the words “ Any person ” to and including the words “ incapacity benefit ” where they first occur and substituting the words “ Any person who is in receipt of incapacity benefit ”;

(b) omitting the words “ a medical practitioner ” and substituting the words “ any medical practitioner or medical practitioners ”.

66. Amendment of s. 45. Incapacity beneficiary restored to health may be recalled to service. Section 45 of the Principal Act is amended by omitting subsections (1), (2) and (3) and substituting the following subsections:—

“ (1) If in the opinion of the Board the health of any person who is in receipt of incapacity benefit and who has not attained the age of 65 years has been restored to such an extent as to enable him to perform duties as an officer, the Board shall so inform the person, body or authority by whom that person is or was employed as an officer, to the intent that the person, body or authority so informed shall—

- (a) in the case of the person in receipt of incapacity benefit being absent from duty with leave of absence without salary, instruct that person to resume employment with him or it forthwith; or
- (b) in the case of the person in receipt of incapacity benefit having had his employment terminated by reason of the incapacity, take all practicable steps to find employment for that person as an officer in his or its employment.

(2) If—

- (a) in the case of a person in receipt of incapacity benefit being absent from duty with leave of absence without salary, the Board has pursuant to subsection (1) informed the person, body or authority by whom that person is employed as an officer as prescribed by that subsection and that person has not resumed such duty;
- (b) in a case referred to in paragraph (b) of subsection (1) employment referred to in that paragraph is offered to the person in receipt of incapacity benefit at a rate of salary at least equal to the rate of salary then payable in respect of the office held by him at the time he became eligible for the incapacity benefit and he fails to accept that employment,

the Board may cancel that person’s incapacity benefit and thereupon it shall cease to be payable.

Where the Board cancels a person’s incapacity benefit it shall forthwith inform him in writing of the cancellation.

(3) Where a person’s incapacity benefit is cancelled under subsection (2) neither that person nor any other person claiming through him, either immediately or at any future time, shall be entitled to any payment or further payment from the Fund by way of any benefit for which that person was contributing to the Fund but that person shall be paid from the Fund a sum equal

to the total amount of his contributions to the Fund less an amount certified by the Actuary to be attributable to the provisions of incapacity benefit.”.

67. Amendment of s. 73B. Voluntary contribution for annuity benefit or further annuity benefit. Section 73B of the Principal Act is amended—

(a) by omitting subsection (7) and substituting the following subsection:—

“(7) In the case of an officer who—

(a) dies before attaining the age for retirement leaving a widow or children; or

(b) is retired or permitted to retire from employment as an officer by reason of incapacity and satisfies the Board as required by section 43E,

section 29 does not apply with respect to any annuity benefit or further annuity benefit for which the officer has elected under this section to contribute but he or, in the case of an officer who has died, his personal representative is entitled to be paid from the Fund a sum equal to 3.5 times the total amount of the officer's contributions to the Fund under this section.”;

(b) by adding at the end of the section the following subsection:—

“(9) In this section, child means a person—

(a) who is under the age of 16 years; or

(b) who has attained the age of 16 years but is under the age of 25 years and who is receiving, in the opinion of the Board, full-time education at a school, college or university.”.

68. Amendment of s. 79A. Requirements as respects medical examinations. Section 79A of the Principal Act is amended by inserting after the words “in this Act” the words “and subject to sections 43E and 44”.

PART IV—AMENDMENT OF POLICE SUPERANNUATION ACT 1974-1979

69. Citation. (1) In this Part the *Police Superannuation Act 1974-1979* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be referred to as the *Police Superannuation Act 1974-1984*.

70. Amendment of s. 2. Parts of Act. Section 2 of the Principal Act is amended by omitting the words “Widows' pensions” and substituting the words “Relicts' pensions”.

71. Amendment of s. 3. Application of Act. Section 3 of the Principal Act is amended by—

(a) omitting from paragraph (e) the word “widow” and substituting the word “relict”;

(b) omitting paragraph (f) and substituting the following paragraph:—

“(f) a child of any person referred to in paragraph (a), (b), (c), (d) or (e) or of a deceased or divorced spouse of any such person other than—

(i) in the case of a child of a relict, a child born on or after the passing of the *Superannuation Acts Amendment Act 1984* and the death of the contributor or pensioner that is not the issue of the contributor or pensioner; and

(ii) in the case of a child of a divorced spouse, a child that is not the issue of the contributor or pensioner.”

72. Amendment of s. 4. Interpretation of terms. Section 4 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting from the definition “child” the word “widow” wherever it occurs and substituting in each case the word “relict”;

(ii) omitting from the definition “child” the word “twenty-three” and substituting the word “twenty-five”;

(iii) omitting from the definition “final average increase in salary” paragraph (a) and substituting the following paragraph:—

“(a) his final average salary;”;

(iv) omitting the definition “final average salary” and substituting the following definition:—

““final average salary” means—

(a) in relation to a contributor who on or after the passing of the *Superannuation Acts Amendment Act 1984* attains the age for retirement or earlier retires from employment as a member otherwise than by retiring or being retired on grounds of incapacity and who has received one or more increases in salary by reason of one or more promotions received by him after the passing of that Act and during the two years immediately preceding his attaining the age for retirement or his earlier retirement, the final average salary ascertained in accordance with section 4A; and

(b) in relation to any other contributor, the average fortnightly salary received by the contributor during the year immediately preceding his attaining the age for retirement or his earlier retirement from or death in employment as a member;”;

(v) inserting after the definition “member” the following definitions:—

““pensioner” means a person who is entitled to a pension under this Act and includes a person who, but for an election under section 45, would be entitled to such a pension;

“relict” means, in relation to a person who has died and was at the date of his death a contributor or pensioner, a person who was legally married to the deceased person at the date of death and, in the case of a deceased pensioner, at the date of his attaining the age for retirement or his earlier final retirement from employment as a member;

“relict’s pension” means a pension payable under Division II of Part IV;”;

(vi) omitting the definition “the 1968 Act” and substituting the following definition:—

““the 1968 Act” means the *Police Superannuation Act 1968* and that Act as subsequently amended;”;

(vii) omitting the definition “widow’s pension”;

(b) omitting subsection (3) and substituting the following subsection:

“(3) For the purpose of ascertaining the final average salary of a person who is a pensioner or has died in service as a member the salary received by that person during the period of one year immediately preceding his attaining the age for retirement or his earlier retirement from or death in service shall include any increase in salary of a rank held by him at any time during that period.”

(c) adding at the end of the section the following subsections:—

“(8) In determining the age of a person for the purposes of this Act the time at which that person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

(9) Without prejudice to the operation of the *Acts Interpretation Act 1954–1977*, except where a contrary intention appears, a reference “he”, “him” or “his” in this Act includes a reference “she”, “her” or “her” and every word of the masculine gender shall be construed as including the feminine gender.”.

73. New s. 4A. The Principal Act is amended by inserting after section 4 the following section:—

“4A. **Ascertainment of certain final average salaries.** Where a contributor, on or after the passing of the *Superannuation Acts Amendment Act 1984*, retires from employment as a member otherwise than by retiring or being retired on the ground of incapacity and has received t increase(s) in salary (where t is a positive whole number) by reason of t promotion(s) received

by him on or after the passing of that Act and during the two years immediately preceding his attaining the age for retirement or his earlier retirement, his final average salary shall be ascertained in accordance with the formula—

$$\text{if } t = 1 \quad \text{FAS}_t = A + \left[(B_t - A) \frac{n_t}{24} \right]$$

$$\text{if } t \text{ is greater than } 1 \quad \text{FAS}_t = \text{FAS}_{t-1} + \left[(B_t - B_{t-1}) \frac{n_t}{24} \right]$$

where

FAS_t represents the final average salary after t promotion(s) to be ascertained;

A represents the contributor's final average salary had he not received any increases in salary by way of promotion(s);

B_t represents the contributor's final average salary had he held the t^{th} promotion for the period of one year immediately preceding his attaining the age for retirement or his earlier retirement from employment as a member;

n represents the number of whole months from the date on which he received the t^{th} promotion until the day immediately preceding the day he attained the age for retirement or his earlier retirement from employment as a member."

74. Amendment of s. 18. The Fund. Section 18 of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:—

“(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 that—

(a) on and from 1 July 1983, is not less than 10 per centum per annum; or

(b) on and from such other date as is prescribed from time to time pursuant to this subsection, is not less than a rate prescribed from time to time pursuant to this subsection,

such rate to be determined by dividing 100 times the aggregate of the income from investments accrued to the Fund in that year and 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 aggregate of the income from investments accrued to the Fund in that year and any sum payable by the Treasurer under this subsection.

The Governor in Council may, upon the recommendation of the Treasurer, by Order in Council—

- (a) prescribe a rate per annum as the minimum earning rate to be provided to the Fund; and
- (b) prescribe a date on and from which such prescribed rate shall be the minimum earning rate to be provided for the Fund,

and such Order in Council shall be given effect.”

75. Amendment of s. 21. Obligation of officers to contribute to the Fund. (1) Section 21 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section, omitting the word “ officers ” and substituting the word “ members ”;

(b) omitting subsections (3) and (3A) and substituting the following subsections:—

“(3) Except where it is otherwise expressly provided by this Act, where a contributor is absent from duty 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 pay in respect of that period.

If for any reason a contributor referred to in this subsection becomes entitled to an increase in salary whilst he is absent from duty as hereinbefore referred to, his obligation to contribute to the Fund shall be to contribute at a rate calculated by reference to his salary as so increased.

(3A) Where absence from duty referred to in the preceding subsection, other than sick leave of absence without pay, is for a continuous period of 14 days or more (whether or not working days) he shall, unless he elects pursuant to subsection (3B), in addition to continuing to contribute to the Fund as provided by the preceding subsection pay to the Fund in respect of the period of absence without pay, amounts equal to the payments that are required to be made by the Treasurer into the Fund under section 49 in respect of a contributor during a period of absence without pay.

(3B) A contributor who would be required to pay additional amounts to the Fund pursuant to subsection (3A) may elect in writing furnished to the Board not to pay contributions to the Fund in respect of the period of his absence whereupon—

- (a) contribution to the Fund in respect of the contributor shall cease to be payable in respect of the period of his absence;
- (b) the Board shall waive the additional payments to the Fund (if any) that would be required by that subsection to be made by the contributor; and

(c) the benefits to which the contributor or his dependants may become entitled under this Act shall be reduced by such amounts as are determined by the Actuary and approved by the Board.

(3c) The Governor in Council may waive the requirement under subsection (3A) to make additional payments to the Fund either unconditionally or upon such terms and conditions as he determines, either in a particular case or in respect of a class of case, and such waiver shall be given effect”.

(2) The provisions of subsections (3), (3A), (3B) and (3C) of section 21 of the *Police Superannuation Act 1974-1984*, provided for by this Act, apply in respect of a contributor (as defined by that Act) who is absent from duty immediately before the passing of this Act and the absence is such that it is within the terms of subsection (3A) of section 21 of that Act if his absence from duty extends beyond the passing of this Act.

76. Amendment of s. 23. Time and manner of paying contributions. Section 23 of the Principal Act is amended by—

(a) omitting subsection (2A) and substituting the following subsection:—

“(2A) A contributor who, pursuant to subsection (3) or (3A) of section 21, is required to pay contributions to the Fund and to make additional payments to the Fund in respect of a period of absence from duty—

(a) shall, before commencing the period of absence, pay to the Fund—

(i) the total amount of contributions that he is required to pay under this Act for the period of absence; and

(ii) the total amount that he is required to pay pursuant to section 21 (3A); or

(b) shall before commencing the period of absence, make arrangements satisfactory to the Board for payment of the total amount of contributions and payments that he is so required to pay.

Where a contributor to whom this subsection applies does not comply with paragraph (a) or (b) the benefits to which the contributor or his dependants may become entitled under this Act may be reduced by such amounts as are determined by the Actuary and approved by the Board.”;

(b) in subsection (3), omitting the expression “21 (3A)” and substituting the expression “21 (3) and (3A)”;

(c) in subsection (4)—

(i) omitting the expression “section 21 (3A) and subsection (2A) of this section” where it first occurs and substituting the words “this Act or the 1968 Act”;

(ii) omitting all words from and including “where, in the opinion of the Board,” to and including “hardship”.

(d) in subsection (7), inserting after the words “ such determination ” the words “ accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of five per centum per annum compound ”;

(e) omitting subsection (8) and substituting the following subsection:—

“ (8) Except where it is otherwise provided by this Act, a contributor—

(a) shall continue to contribute as prescribed 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;

(b) shall, in respect of a period of leave of absence, with or without pay, pay contribution, as for a period of service, without reduction.”.

77. **New s. 24A.** The Principal Act is amended by inserting after Section 24 the following section:—

“ **24A. Provision for female contributors to contribute for benefits under Divisions II and III of Part IV.**

(1) A female member who is a contributor immediately before the passing of the *Superannuation Acts Amendment Act 1984* may elect, in writing furnished to the Board, within six months after the passing of that Act to increase the rate of her contribution to the Fund sufficient to secure for her the benefits provided for by Division II and III of Part IV.

(2) If in connexion with her election referred to in subsection (1) the contributor furnishes to the Board evidence satisfactory to the Board that her health and physical condition are such as to justify her being accepted as a contributor for the benefits provided for by Divisions II and III of Part IV she is entitled to become such a contributor.

(3) The additional rate of contribution payable by a contributor who elects under subsection (1) and is entitled to become a contributor for the benefits aforesaid shall be such rate as the Board, after consultation with the Actuary, may determine and shall be payable by the contributor on and from a date determined by the Board.

(4) The additional rate of contribution referred to in subsection (3) shall be determined in relation to each elector having regard to whether she is a contributor by whom an additional rate of contribution pursuant to section 24 (4), (4A) or (5) is payable and, if she is such a contributor, shall be determined at an amount such as will enable the length of service for the purpose of calculating the benefits aforesaid payable in respect of her to be regarded as the length of service ascertained in the manner prescribed by section 24 (6) and determined by the Board.

(5) If in relation to a contributor by whom an additional rate of contribution is payable pursuant to this section the Board makes a determination under section 24 (7) that cancels or varies a Board's determination made under section 24 (4), (4A) or (5) in relation to that contributor, the additional rate of contribution payable by the contributor pursuant to this section shall be adjusted having regard to that cancellation or variation, the ascertainment of the contributor's length of service for the purposes of this section shall be adjusted accordingly and the Board shall make to the contributor a refund of such part of her contributions to the Fund pursuant to this section as the Actuary determines is justified, having regard to the reduced liability of the Fund."

78. Amendment of s. 25. Further provisions re contributions. Section 25 of the Principal Act is amended by, in subsection (4)—

(a) omitting the words "(a) in the case of a male contributor" and substituting the words—

"(a) in the case of a male contributor or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*";

(b) omitting the words "(b) in the case of a female contributor" and substituting the words—

"(b) in the case of a female contributor who was a contributor immediately before the passing of the *Superannuation Acts Amendment Act 1984*".

79. Amendment of s. 26. Calculation of service. Section 26 of the Principal Act is amended by, in paragraph (d), omitting the expression "(3A)" and substituting the expression "(3B)".

80. Repeal of and new s. 29. The Principal Act is amended by repealing section 29 and omitting the heading immediately preceding that section and substituting the following heading and section:—

" Division II—Relicts' pensions "

29. Entitlement to pension. (1) Subject to this section—

(a) the relict of a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*;

(b) the relict of a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, being a relict who in the Board's opinion was wholly financially dependent upon the contributor immediately before his or her death;

(c) the relict of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A,

being a relict who in the Board's opinion was wholly financially dependent upon the contributor immediately before her death;

(d) the relict of a male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*;

(e) the relict of a male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled to or, but for the operation of section 42, would have been entitled to a pension from the Fund; and

(f) the relict of a female pensioner who—

became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or

became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A

and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled to or, but for the operation of section 42, would have been entitled to a pension from the Fund,

is, on and from the date next following the date of death of the contributor or pensioner, entitled to a pension calculated at the rate prescribed by subsection (3).

(2) For the purposes of this section a relict shall be taken to be wholly financially dependent on a contributor notwithstanding that he or she is in receipt of an income that in the Board's opinion is insufficient to maintain for that relict a reasonable standard of living.

(3) Subject to subsection (8), a relict's pension is payable—

(a) in the case of the relict of a contributor who dies before attaining the age for retirement, at the rate of 66·7 per centum 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 relict of a contributor who has continued in his employment as a member after attaining the age for retirement, at the rate of 66·7 per centum of the pension that would have been payable to the contributor immediately before his death if he had retired on attaining the age for retirement;

(c) in the case of the relict of a person who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose

entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 45, at the rate of 66·7 per centum of the pension that would have been payable to that person immediately before his death if he had not made the election and, in the case of a member who had not retired, as if he had retired;

- (d) in any other case, at the rate of 66·7 per centum of the pension to which his or her spouse was entitled or, but for the operation of section 42, would have been entitled immediately before his or her death.

(4) A relict's pension ceases to be payable if the relict remarries.

(5) Subject to subsection (6), where a person who as a relict is entitled to a relict's pension remarries and—

- (a) again becomes widowed; or
 (b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is, in the Board's opinion, likely to suffer hardship if the benefit prescribed by this subsection is not granted to him or her,

that person shall (subject to subsection (4)) be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b) (whichever is relevant to the case) as if he or she had not remarried.

This subsection applies so as to confer the benefit herein prescribed upon a person who is of a description specified herein notwithstanding that she has become a person of that description before the passing of the *Superannuation Acts Amendment Act 1984* but in that case she shall be entitled to the benefits on and from the passing of that Act.

(6) A relict is not entitled to receive more than one relict's pension and where, but for this subsection, he or she would be entitled to receive more than one such pension he or she shall be deemed to derive his or her sole entitlement to pension under this section through the contributor or pensioner through whom he or she would derive the greatest entitlement to receive a pension.

(7) Where the contributor or pensioner through whom entitlement to pension under this section is derived is or was a male continuing contributor immediately before he finally ceased to contribute to the Fund, the entitlement to pension under this section is in addition to the benefits (if any) derived through the contributor or pensioner pursuant to the 1968 Act.

(8) Where the contributor or pensioner through whom entitlement to pension under this section is derived is or was a female continuing contributor who had increased the rate of her contribution to the Fund pursuant to section 24A, a pension shall be payable to the relict entitled to a pension under this section

(other than this subsection) at a rate determined by the Actuary and approved by the Board in lieu of the rate prescribed by subsection (3).

(9) The pension payable to a relict in receipt of a relict's pension immediately before the commencement of section 12 of the *Police Superannuation Acts Amendment Act 1977* shall be and has been on and from the commencement of that Act the amount of pension being paid to her immediately before the commencement of that Act multiplied by 1.0672."

81. New s. 29A. The Principal Act is amended by inserting after section 29 the following section—

“29A. Right of relict to substitute lump sum for pension. (1) Subject to this section, a relict entitled to a relict's pension may make application to the Board to substitute payment to him or her of a lump sum for the entitlement to a pension or for any part of the entitlement.

(2) An application under subsection (1)—

(a) shall be in writing;

(b) shall be made within six months after the date on which the entitlement to a relict's pension arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire; and

(c) shall specify the percentage of the relict's pension entitlement for which the applicant desires to substitute a lump sum payment.

(3) The amount of lump sum to be paid in respect of an application under subsection (1) shall be such amount as is determined by the Actuary and approved by the Board.

(4) Where a lump sum payment is substituted for a relict's pension entitlement, the entitlement—

(a) in the case of substitution of a lump sum payment for the whole of the entitlement, shall cease; or

(b) in the case of substitution of a lump sum payment for a specified percentage of the entitlement, shall be reduced by that specified percentage.”

82. New s. 29B. The Principal Act is amended by inserting after section 29A the following section:—

“29B. Benefit for non-dependent relicts. A relict of—

(a) a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or

(b) a female contributor who had increased the rate of her contribution to the Fund pursuant to section 24A

who is not entitled to a pension under section 29 is entitled to payment of a lump sum in an amount determined by the Actuary and approved by the Board.”

83. Amendment of s. 30. Child's pension. When payable. Section 30 of the Principal Act is amended by—

(a) omitting subsection (2) and substituting the following subsection:—

“(2) This section applies to—

- (a) every child of a deceased male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) every child of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the Fund pursuant to section 24A where in the opinion of the Board the child was wholly dependent on the contributor when she died;
- (c) every child of a deceased female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A;
- (d) every child of a deceased contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;
- (e) every child of a deceased male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*;
- (f) every child of a deceased male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled to or, but for the operation of section 42, would have been entitled to a pension from the Fund;
- (g) every child of a deceased female pensioner who—
 - became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
 - became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A,
 - and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled to or, but for the operation of section 42, would have been entitled to a pension from the Fund;
- (h) every child of a deceased or divorced spouse of a person who when he died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child referred to in subparagraph (i) or (ii) of paragraph (f) of section 3 (1);

- (i) every child of the relict of a person who when he died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child referred to in subparagraph (i) or (ii) of paragraph (f) of section 3 (1)”;
- (b) in subsection (3)—
- (i) omitting from paragraph (a) the words “widow” and “widow’s” and substituting respectively the words “relict” and “relict’s”;
- (ii) inserting after the words “under this Act” in paragraph (a) the words “or to a payment under section 29B”;
- (iii) omitting paragraph (b) and substituting the following paragraph:—
- “(b) in any case other than a case to which paragraph (a) applies, including the case of a child who at the passing of the *Superannuation Acts Amendment Act 1984* is entitled to a child’s pension under paragraph (b) of section 30 (3) of the *Police Superannuation Act 1974–1979* at a rate equal to a percentage in accordance with the following Table of—
- (i) in the case of a child of a contributor who dies before attaining the age for retirement, 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;
- (ii) in the case of a child of a contributor who has continued in his employment as a member after attaining the age for retirement, the pension that would have been payable to the contributor immediately before his death if he had retired on attaining the age for retirement;
- (iii) in the case of a child of a person who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 45, the pension that would have been payable to that person immediately before his death if he had not made the election, and, in the case of a member who had not retired, as if he had retired;
- (iv) in any other case, the pension payable to the person through whom the entitlement to the child’s pension is derived immediately before his or her death—

TABLE

one child	..	..	..	45 per centum
two children	..	..	..	40 per centum in respect of each child
three children	..	..	..	30 per centum in respect of each child
four or more children	..	..	..	100 per centum divided by the number of children in respect of each child:

Provided that each child who is entitled to a pension under this paragraph (b) shall be paid a fortnightly rate of pension so that, when that rate is added to any rate of benefit to which he is entitled under the 1968 Act, the total rate payable shall be at least equal to twice the fortnightly rate of pension that he would have been paid had he been a case to which paragraph (a) applies.

Provided further that where a child's pension commences to be payable at a particular rate, that rate shall not be increased except as provided for in section 34.”;

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

“(4) A child who is entitled under paragraph (a) of subsection (3) to payment of a child's pension in respect of him shall not be entitled to additional assurance benefits under the 1968 Act.”;

(d) omitting subsection (6) and substituting the following subsection:—

“(6) Where by reason of the death of a contributor or a pensioner the only entitlement derived through him is an entitlement to a child's pension arising on or after the passing of the *Superannuation Acts Amendment Act 1984* the amount of pension payable in respect of the child or, where there are more than one child who derive the entitlement, in respect of all of them shall equal at the least the amount that would be payable in respect of one child (being a child deriving his entitlement through that contributor or pensioner) under this section for a period of five years calculated at the rate at which a pension was payable in respect of one child (being a child deriving his entitlement through that contributor or pensioner) at the date when the entitlement to the pension in question commenced”.

84. Amendment of s. 31. Commencement and cessation of children's pensions. Section 31 of the Principal Act is amended by, in subsection (2), omitting the words “23 years” and substituting the words “25 years”.

85. Amendment of s. 32. Persons to whom a child's pension is payable. Section 32 of the Principal Act is amended by, in subsection (1) omitting the word “widow” where it twice occurs and substituting in each case the word “relict”.

86. Amendment of s. 33. Refund of contributions. Section 33 of the Principal Act is amended by—

(a) in subsection (1), inserting after the words “the 1968 Act” the words “such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of five per centum per annum compound.”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) In the event of the death, before attaining the age for retirement, of a contributor whose death does not give rise to an entitlement under Division II or III the Board shall pay a sum equal to the total amount of the contributor’s contributions to the Fund under this Act and any additional amounts paid by him under section 21 (3A) or section 58A (1) or (1A) or under section 30 (1A) of the 1968 Act, such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of five per centum per annum compound, to the personal representative of the contributor or, if the Board considers it desirable to do so, to such person as the Board may determine.”;

(c) in subsection (3), inserting after the words “to the Fund” the words “such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of five per centum per annum compound”.

87. Amendment of s. 34. Adjustment of pensions. Section 34 of the Principal Act is amended by—

(a) omitting the word “September” wherever it occurs and substituting in each case the word “August”;

(b) omitting the word “August” wherever it occurs in subsections (7) and (8) and substituting in each case the word “July”.

88. New s. 34A. The Principal Act is amended by inserting after section 34 the following section:—

“**34A. Variation of entitlement to adjustment.** (1) Where in the opinion of the Board a pensioner would be prejudicially affected by an increase in his pension under section 34 the Board may determine—

(a) that the pensioner receive no increase in pension under that section; or

(b) that the pensioner receive an increase in pension less than that provided for by that section,

and the determination shall be given effect according to its terms notwithstanding that section.

(2) The Board may revoke or vary a determination under subsection (1).

In the event of a revocation of a determination the amount of the pension to which the determination related shall, as from the date of the revocation, be the same as if the determination had not been made.

In the event of a variation of a determination the amount of the pension to which the determination relates shall, as from the date of the variation, be in accordance with the determination as so varied.

(3) Unless it is otherwise determined by the Board, for the purpose of determining the rate of pension payable under section 29 or 30 all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the pensioner shall be deemed to have been receiving, immediately before his death, the amount of pension that would have been payable to him had no such determination been made.”.

89. Amendment of s. 40. Proof of continued incapacity. Section 40 of the Principal Act is amended by, in subsection (1), omitting the words “a medical practitioner” and substituting the words “any medical practitioner or medical practitioners”.

90. Amendment of s. 45. Right of contributor to convert his pension into a lump sum. Section 45 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) A person who is or was prior to his or her retirement a contributor may, subject to this section, elect to convert into a lump sum payment his or her pension entitlement under this Act—

(a) as to the whole thereof, in the case of an entitlement to an incapacity pension; or

(b) as to the whole or any part thereof, in the case of an entitlement to a contributor’s pension.”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) A person who is or was prior to his or her retirement a continuing contributor is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to an incapacity pension under this Act unless he or she also elects to convert into a lump sum payment the whole of his or her entitlement to incapacity benefit under the 1968 Act.”;

(c) adding to subsection (2A) the following paragraph:—

“This subsection does not apply in relation to a contributor of a description referred to in the preceding paragraph who before the passing of the *Superannuation Acts Amendment Act 1984* was retired or permitted to retire on the ground of incapacity.”;

(d) in subsection (3),

(i) inserting after paragraph (a) (and before the word “and” following that paragraph) the following paragraph:—

“(b) shall in the case of a person who is entitled to payment of an incapacity pension, subject to subsection (11), be made before the expiration of a period of six months after the date on which the entitlement to the pension arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire and shall be effective only if, in the Board’s opinion, the elector is medically competent to make the election.”;

(ii) re-designating the existing paragraph (b) as paragraph (c);

(e) omitting subsection (4) and substituting the following subsection:—

“(4) In the case of an election under this section made in respect of a pension entitlement, other than an entitlement to an incapacity pension, the notice of election shall specify the percentage of the elector’s pension entitlement that he desires to convert into a lump sum.”;

(f) omitting subsections (5) and (6) and substituting the following subsections:—

“(5) Where a contributor retires from employment as a member on attaining the age for retirement or within the period of five years immediately preceding the day on which he would attain the age of retirement and duly elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor’s pension—

(a) he shall be paid from the Fund—

(i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, other than a contributor whose age for retirement is sixty-five years, a sum equal to that specified percentage of the amount of his fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Part I of Schedule II opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;

(ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, other than a contributor whose age for retirement is sixty-five years, a sum equal to that specified percentage of the amount of her fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Part II of Schedule II opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;

(iii) in the case of a contributor whose age for retirement is sixty-five years, a sum equal to that specified percentage of the amount of his fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Schedule III opposite the age in years and complete months as at the date of retirement set forth in the first column of that Schedule; and

(b) the contributor’s pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage.

(6) Where a contributor retires from employment as a member on attaining the age for retirement or within the period of five years immediately preceding the day on which he would attain the age for retirement and duly elects to convert the whole of his entitlement to a contributor's pension—

(a) he shall be paid from the Fund—

(i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, other than a contributor whose age for retirement is sixty-five years, a sum equal to the amount of his or her fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Part I of Schedule II opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;

(ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, other than a contributor whose age for retirement is sixty-five years, a sum equal to the amount of her fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Part II of Schedule II opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;

(iii) in the case of a contributor whose age for retirement is sixty-five years, a sum equal to the amount of his fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Schedule III opposite the age in years and complete months as at the date of retirement set forth in the first column of that Schedule; and

(b) his or her entitlement to a contributor's pension under this Act ceases.”;

(g) omitting subsections (7), (8) and (8A) and substituting the following subsections:—

“(7) Where a contributor (other than one who has made an election under section 24 (4) or (4A)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, he shall, in lieu of the lump sum payment from the Fund to which he would have been entitled under subsection (5) or (6), be entitled to be paid from the Fund—

(a) in the case of a contributor who elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor's pension—

(i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*,

a sum equal to 313·1 times that specified percentage of two-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement; or

- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* a sum equal to 339·2 times that specified percentage of two-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement; and
- (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a), upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 313·1 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (a), upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339·2 as the Actuary determines having regard to her age at the time she retires or is retired,

and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 313·1 times the amount of two-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement; or
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 339·2 times the amount of two-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement; and

- (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 313·1 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (b), upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339·2 as the Actuary determines having regard to her age at the time she retires or is retired,

and his or her entitlement to a contributor's pension under this Act ceases.

(8) Where a contributor (being a contributor who has made an election under section 24 (4)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, he shall, in lieu of the lump sum payment from the Fund to which he would have been entitled under subsection (5) or (6), be entitled to be paid from the Fund—

- (a) in the case of a contributor who elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 313·1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6) of section 27; or
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 339·2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6) of section 27;
 - (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a) a sum equal to 313·1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6) of section 27; or

- (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (a) a sum equal to 339·2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6) of section 27; and
- (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a), upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and that specified percentage of sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 313·1 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (a), upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and that specified percentage of sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339·2 as the Actuary determines having regard to her age at the time she retires or is retired,
and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;
- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 313·1 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6) of section 27; or

- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6) of section 27;
- (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6) of section 27; or
- (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (b), a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6) of section 27; and
- (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 313.1 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (b), upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and the said subsection (4) of section 24 had not been enacted and sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if she had retired on attaining the age for retirement, multiplied by such factor not exceeding 339.2 as the Actuary determines having regard to her age at the time she retires or is retired,
and his or her entitlement to a contributor's pension under this Act ceases.

(8A) Where a contributor (being a contributor who has made an election under section 24 (4A)) who has attained the age for retirement, has duly elected under this section and has continued

in employment as a member, he shall, in lieu of the lump sum payment from the Fund to which he would have been entitled under subsection (5) or (6), be entitled to be paid from the Fund—

- (a) in the case of a contributor who elects to convert a specified percentage (other than 100 per centum) of his entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 313·1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6B) of section 27;
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 339·2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6B) of section 27;
 - (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a), a sum equal to 313·1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6B) of section 27; or
 - (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (a), a sum equal to 339·2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6B) of section 27; and
 - (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (a), upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted multiplied by such factor not exceeding 313·1 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
 - (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (a), upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and the said subsection (4A) of section 24

had not been enacted, multiplied by such factor not exceeding 339·2 as the Actuary determines having regard to her age at the time she retires or is retired, and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 313·1 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6B) of section 27; or
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, a sum equal to 339·2 times the amount of her fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (6B) of section 27;
 - (iii) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), a sum equal to 313·1 times the amount of his or her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6B) of section 27; or
 - (iv) being a female contributor referred to in subparagraph (ii) of this paragraph (b), a sum equal to 339·2 times the amount of her fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (6B) of section 27; and
 - (v) being a male contributor or female contributor referred to in subparagraph (i) of this paragraph (b), upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 313·1 as the Actuary determines having regard to his or her age at the time he or she retires or is retired; or
 - (vi) being a female contributor referred to in subparagraph (ii) of this paragraph (b), upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired

on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 339.2 as the Actuary determines having regard to her age at the time she retires or is retired,

and his or her entitlement to a contributor's pension under this Act ceases.”;

(h) omitting subsection (9) and substituting the following subsections:—

“(9) Where a contributor becomes entitled to an incapacity pension on or after the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the Fund the sum equal to 235 times the amount of his or her fortnightly pension entitlement less the amount of pension that he or she has been paid before making the election to the exclusion of any other entitlement he might otherwise have had under this section, and his or her entitlement to an incapacity pension under this Act ceases.

(10) Where a contributor became entitled to an incapacity pension before the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the Fund a sum determined by the Actuary and approved by the Board and his or her entitlement to an incapacity pension under this Act ceases.

(11) Where at the passing of the *Superannuation Acts Amendment Act 1984* a contributor who has been retired or permitted to retire from employment as a member by reason of incapacity is not entitled to payment of an incapacity pension but subsequently becomes so entitled, he or she may make an election under this section before the expiration of three months after he or she subsequently becomes so entitled and thereupon subsection (10) shall apply in respect of him or her.”.

91. Repeal of and new s. 46. The Principal Act is amended by repealing section 46 and substituting the following section:—

“**46. Endowment benefit in lieu of relict's pension.** A male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who on or after the passing of that Act attains the age for retirement or retires within the period of five years immediately preceding the day on which he would attain that age and duly elects under section 45 otherwise than in respect of an incapacity pension, is entitled, in addition to the benefits prescribed by that section, to an amount determined by the Actuary and approved by the Board having regard to the period for which the contributor contributed to the Fund before the commencement of that Act.”.

92. Repeal of s. 47. Child's pension not affected by an election under this Division. The Principal Act is amended by repealing section 47.

93. Repeal of and new s. 58. Returns. The Principal Act is amended by repealing section 58 and substituting the following section:—

“ 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 such other information as the Board may require for the purposes of this Act.

(3) A member or pensioner who fails to comply with a requirement of the Board under subsection (2) commits an offence against this Act, unless he or she proves that he or she had reasonable excuse for the failure, and is liable to a penalty of \$20.

(4) If a pensioner fails to comply with a requirement of the Board under subsection (2) and does not offer to the Board a reasonable excuse for his or her failure the Board may suspend payment of the pension to him or her until such time as the Board's requirement is complied with to its satisfaction.

Where payment of a pension is suspended under this subsection the pension shall not be payable in respect of the period of suspension.

(5) For the purposes of this section—

(a) an excuse for failure by a member or pensioner to comply with a requirement of the Board to the effect that he or she does not wish to furnish the evidence or information required or that furnishing the evidence or information required would prejudice the interests of the member, pensioner or other person under this Act shall not constitute a reasonable excuse;

(b) the expression “ pensioner ” means a person to whom a pension is payable under this Act.”.

94. Repeal of and new s. 59. The Principal Act is amended by repealing section 59 and substituting the following section:—

“ 59. Position of beneficiary who becomes a member. A person who—

(a) being a contributor under this Act or the 1968 Act,

(i) has retired within a period of five years immediately preceding the day on which he would attain the age for retirement and has thereby become entitled to any payment on account of any entitlement under this Act or any benefit under the 1968 Act other than his or her entitlement to an incapacity pension under this Act or his or her incapacity benefit under the 1968 Act; or

(ii) has retired or has been permitted to retire on the ground of incapacity and has converted his entitlement to an incapacity pension under this Act or his

incapacity benefit under the 1968 Act into a lump sum payment,
again becomes a member; or
(b) being a contributor under the *State Service Superannuation Act 1972* or that Act as amended (herein called "the 1972 Act") or the *Public Service Superannuation Act 1958* or that Act as amended (herein called "the 1958 Act"), has retired or been retired and has thereby become entitled to any payment on account of any entitlement under the 1972 Act or any benefit under the 1958 Act, and becomes a member, is not obliged and shall not be permitted to contribute to the Fund."

95. Amendment of s. 60. Medical examinations. Section 60 of the Principal Act is amended by, in subsection (3), inserting after the words "in this Act" the words "and subject to section 40".

96. Amendment of s. 62. Discretionary powers of the Board. Section 62 of the Principal Act is amended by, in subsection (1)—

- (a) omitting the words " , otherwise than through his own fault,";
- (b) inserting after the words "might have obtained," the words "by reason of his being unaware of the availability of the right, privilege or benefit or of circumstances substantially beyond his control that prevented his being entitled to the right, privilege or benefit,".

97. Amendment of s. 68. Offences to be dealt with summarily. Section 68 of the Principal Act is amended by—

- (a) numbering the existing provisions as subsection (1);
- (b) adding at the end of the section the following subsection:—
 - "(2) Proceedings in respect of an offence against this Act may be commenced at any time within one year from the time when the matter of complaint arose or within six months after the offence comes to the knowledge of the complainant, whichever period is the later to expire."

PART V—AMENDMENT OF POLICE SUPERANNUATION ACT 1968–1979

98. Citation. (1) In this Part the *Police Superannuation Act 1968–1979* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Police Superannuation Act 1968–1984*.

99. Amendment of s. 4. Meaning of terms. Section 4 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) omitting from the definition "child" the word "twenty-three" and substituting the word "twenty-five";

(ii) omitting the definition “member of the Police Force” and substituting the following definition:—

““member of the Police Force” means a member of the Police Force as defined in section 4 of the *Police Act 1937–1980*.”;

(b) adding at the end of the section the following subsection:—

“(3) In determining the age of a person for the purposes of this Act the time at which that person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.”.

100. Amendment of s. 30. Period for which contributions are to continue. (1) Section 30 of the Principal Act is amended by—

(a) in subsection (1), omitting from the first paragraph the words “other leave of absence” and substituting the words “other absence from duty”;

(b) omitting subsection (1A) and substituting the following subsections:—

“(1A) Where absence from duty referred to in the preceding subsection, other than sick leave of absence without pay, is for a continuous period of 14 days or more (whether or not working days) a contributor shall, unless he elects pursuant to subsection (1B) in addition to continuing to contribute to the Fund as provided by the preceding subsection, pay to the Fund in respect of the period of absence without pay, amounts equal to the payments that are required to be made by the Treasurer into the Fund under section 49 of the *Police Superannuation Act 1974–1979* in respect of him.

(1B) A contributor who would be required to pay amounts to the Fund pursuant to subsection (1A) may elect in writing furnished to the Board not to pay contributions to the Fund in respect of the period of absence whereupon—

(a) contribution to the Fund in respect of the contributor shall cease to be payable in respect of the period of his absence;

(b) the Board shall waive the additional payments to the Fund that would be required by subsection (1A) to be made by the contributor; and

(c) the benefits to which the contributor or his dependants may become entitled under this Act shall be reduced by such amounts as are determined by the Actuary and approved by the Board.

(1c) The Governor in Council may waive the requirement under subsection (1A) to make additional payments to the Fund either unconditionally or upon such terms and conditions as he determines, either in a particular case or in respect of a class of case, and such waiver shall be given effect.”;

(c) in subsection (2),

(i) omitting the words “under suspension without salary” and substituting the words “absent from duty without pay”;

(ii) omitting the words “such suspension” and substituting the words “such absence”;

(d) omitting subsection (3) and substituting the following subsection:—

“(3) A contributor who, pursuant to subsection (1) or (1A), is required to pay contributions to the Fund and to make additional payments to the Fund in respect of a period of absence from duty—

(a) shall, before commencing the period of absence, pay to the Fund the total amount of contributions and payments that he is so required to pay; or

(b) shall, before commencing the period of absence, make arrangements satisfactory to the Board for payment of the total amount of contributions and additional payments that he is so required to pay.

Where a contributor to whom this subsection applies does not comply with paragraph (a) or (b) the benefits to which the contributor or his dependants may become entitled under this Act may be reduced by such amounts as are determined by the Actuary and approved by the Board.

(2) The provisions of subsections (1A), (1B) and (1C) of section 30 of the *Police Superannuation Act 1968–1984*, provided by this Act, apply in respect of a contributor (as defined by that Act) who is absent from duty immediately before the passing of this Act and the absence is such that it is within the terms of subsection (1A) of section 30 of that Act if his absence from duty extends beyond the passing of this Act.”.

101. Amendment of s. 37. When entitlement to annuity benefit accrues. Section 37 of the Principal Act is amended by, in subsection (2), adding at the end of paragraph (i) the words “and is receiving an incapacity benefit immediately before attaining that age”.

102. Amendment of s. 39. When entitlement to incapacity benefit accrues. Section 39 of the Principal Act is amended by, in subsection (1), omitting the expression “, (4) and (5)” and substituting the expression “and (6)”.

103. Amendment of s. 40. Units of incapacity benefit. Section 40 of the Principal Act is amended by, in subsection (1), omitting the words “Subject to subsection (3) of this section the” and substituting the word “The”.

104. New s. 40A. The Principal Act is amended by inserting after section 40 the following section:—

“40A. **Application to commute incapacity benefits.** (1) A person who, before the passing of the *Superannuation Acts Amendment Act 1984*, has been retired or permitted to retire from employment as a member of the Police Force by reason of incapacity or, after the passing of that Act, is retired or permitted

to retire from employment as a member of the Police Force by reason of incapacity and, in either case is entitled to receive an incapacity benefit may apply in writing to the Board to convert into a lump sum payment the whole of his or her incapacity benefit entitlement under this Act.

(2) A person to whom subsection (1) applies who is or was prior to his or her retirement a contributor under the *Police Superannuation Act 1974-1984* is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to incapacity benefit under this Act unless he or she also elects to convert into a lump sum payment the whole of his or her entitlement to an incapacity pension under the *Police Superannuation Act 1974-1984*.

(3) An application under subsection (1)—

- (a) shall be made, subject to subsection (5), before the expiration of a period of six months after the date on which the entitlement to the incapacity benefit arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire;
- (b) shall be effective only if, in the Board's opinion, the applicant is medically competent to make the application; and
- (c) shall be made in respect of all the units of incapacity benefit and any reserve unit of incapacity benefit for which he or she contributed other than a reserve unit of incapacity benefit in respect of which he or she has elected to receive payment of the sum prescribed by section 35A.

(4) A person who under subsection (1) duly makes an application that is approved by the Board shall be paid from the Fund a sum determined by the Actuary and approved by the Board and his or her entitlement to an incapacity benefit under this Act ceases.

(5) Where at the passing of the *Superannuation Acts Amendment Act 1984* a person who has been retired or permitted to retire from employment as a member of the Police Force by reason of incapacity is not entitled to payment of an incapacity benefit but subsequently becomes so entitled he or she may make an application under subsection (1) before the expiration of three months after he or she subsequently becomes so entitled and thereupon subsection (4) shall apply in respect of him or her".

105. Amendment of s. 41. When entitlement to assurance benefit accrues. Section 41 of the Principal Act is amended by—

(a) in subsection (2)—

(i) omitting paragraph (iia) and substituting the following paragraph:—

“(iia) a person who, having attained the age for retirement before the passing of the *Superannuation Acts Amendment Act 1984*,

has died or who, having retired before the passing of that Act by reason of an election mentioned in paragraph (iv) of section 37 (2) has died and who, in either case, has commuted (pursuant to Division VA of Part IV or Division IIIA of Part V) for a lump sum the whole of the annuity benefit to which he was entitled under this Act, if her marriage to him took place before he attained that age or, in the case of retirement pursuant to an election aforesaid, before that retirement;

(ii) inserting in paragraph (iii) after the words "under this Act" the words "and who at the date of his death was entitled to or, but for the operation of section 53 (4) would have been entitled to an incapacity benefit under this Act";

(b) omitting subsection (4) and substituting the following subsection:—

"(4) Subject to subsection (5), where a person who is a widow to whom this section applies remarries and—

(a) again becomes a widow; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is, in the Board's opinion, likely to suffer hardship if the benefit prescribed by this section is not granted to her,

that person shall be entitled to assurance benefit on and from the occurrence of the event referred to in paragraph (a) or (b) (whichever is relevant to the case) as if she had not remarried.

This subsection applies so as to confer the benefit herein prescribed on a person who is of a description specified herein notwithstanding that she has become a person of that description before the passing of the *Superannuation Acts Amendment Act 1984* but in that case she shall be entitled to the benefit on and from the passing of that Act."

106. Amendment of s. 42. Units of assurance benefit. Section 42 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

"(2) Subject to this Act, a widow to whom section 41 applies shall be entitled to receive assurance benefit according to the number of units for which the person whose widow she is was contributing immediately before he ceased to be a contributor:

Provided that where a person who, on or after the passing of the *Superannuation Acts Amendment Act 1984*, attains the age for retirement or retires by reason of an election mentioned in paragraph (iv) of section 37 (2) has commuted pursuant to Division VA of Part IV for a lump sum the whole or a part of the annuity benefit to which he was entitled under this Act his widow shall not be entitled to receive assurance benefit in respect of the number of units of assurance benefit equal to the number of units of annuity benefit that have been commuted."

107. New s. 42B. The Principal Act is amended by inserting after section 42A the following section—

“ **42B. Right of widow to substitute lump sum for assurance or pension benefit.** (1) Subject to this section, a widow entitled to assurance benefit or to a pension under this Act may make application to the Board to substitute payment to her of a lump sum for her entitlement to that benefit or to that pension or for any part of that entitlement.

(2) An application under subsection (1)

(a) shall be in writing;

(b) shall be made within six months after the date on which the entitlement to assurance benefit arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire; and

(c) shall—

(i) where it relates to an entitlement to assurance benefit, specify the number of units of the widow's assurance benefit for which the applicant desires to substitute a lump sum payment; or

(ii) where it relates to an entitlement to a pension, specify the percentage of the widow's entitlement to pension for which the applicant desires to substitute a lump sum payment.

(3) The amount of lump sum to be paid in respect of an application under subsection (1) shall be such amount as is determined by the Actuary and approved by the Board.

(4) Where a lump sum payment is substituted for a widow's assurance benefit the entitlement to benefit for which that payment is substituted shall cease and determine.

108. Amendment of s. 43. Children entitled to additional assurance benefit. Section 43 of the Principal Act is amended by:—

(a) in subsection (2)—

(i) omitting from paragraph (a) subparagraph (i) and substituting the following subparagraph:—

“ (i) who, having attained the age for retirement before the passing of the *Superannuation Acts Amendment Act 1984*, has died before, on or after the passing of that Act or who, having retired before the passing of that Act by reason of an election mentioned in paragraph (iv) of section 37 (2), has died before, on or after the passing of that Act or who has died on or after the passing of that Act and was a contributor or was receiving annuity benefit or incapacity benefit immediately before his death;”

(ii) omitting paragraph (b) and substituting the following paragraph:—

“ (b) a deceased or divorced wife of a person referred to in paragraph (a) except the child of a divorced wife that is not the issue of that person ”;

(iii) omitting paragraph (c) and substituting the following paragraph:—

“(c) the widow of a person referred to in paragraph (a) except a child born on or after the passing of the *Superannuation Acts Amendment Act 1984* and the death of that person that is not the issue of that person.”;

(b) in subsection (3), omitting from subparagraph (i) of paragraph (b) the word “twenty-three” and substituting the word “twenty-five”.

109. Amendment of s. 44. Amount of additional assurance benefit.
Section 44 of the Principal Act is amended by—

(a) in subsection (1), omitting paragraph (b) and substituting the following paragraph:—

“(b) in any case other than a case to which paragraph (a) applies including the case of a child who at the passing of the *Superannuation Acts Amendment Act 1984* is entitled to additional assurance benefit under paragraph (b) of section 44 (1) of the *Police Superannuation Act 1968–1979*, at a rate in accordance with the following Table in respect of each unit of assurance benefit for which the person through whom the entitlement to additional assurance benefit arose or arises was contributing when he died or otherwise ceased to be a contributor—

TABLE

one child	..	..	\$1.73 per fortnight
two children	..	..	\$1.54 per fortnight in respect of each child
three children	..	..	\$1.15 per fortnight in respect of each child
four or more children			\$3.84 per fortnight divided by the number of children in respect of each child.

Provided that each child who is entitled to additional assurance benefit under this paragraph (b) shall be paid a fortnightly rate so that, when that rate is added to any rate of pension to which he is entitled under the *Police Superannuation Act 1974–1984*, the total rate payable shall be at least equal to twice the rate that he would have been paid had he been a case to which paragraph (a) applies.

Provided further that where a child’s pension commences to be payable at a particular rate, that rate shall not be increased except as provided for in section 51B.”

(b) adding at the end of the section the following subsection:—

“(4) Where by reason of the death of a contributor or a person in receipt of benefit the only entitlement derived through him is an entitlement to an additional assurance benefit arising on or after the passing of the *Superannuation Acts Amendment Act 1984* the amount of benefit payable in respect of the child or, where there are more than one child who derive the entitlement, in respect

of all of them shall equal at the least the amount that would be payable in respect of one child (being a child deriving his entitlement through the contributor or person in receipt of benefit) under this section for a period of five years calculated at the rate at which a pension was payable in respect of one child (being a child deriving his entitlement through that contributor or person in receipt of benefit) at the date when the entitlement to the additional assurance benefit commenced”.

110. Repeal of and new s. 45. The Principal Act is amended by repealing section 45 and substituting the following section:—

“ 45. Endowment payment in lieu of units of assurance benefit.

A contributor who on or after the passing of the *Superannuation Acts Amendment Act 1984* attains the age for retirement or retires before attaining that age by reason of an election mentioned in paragraph (iv) of section 37 (2) and—

- (a) who commuted for a lump sum all or any of the units of annuity benefit for which he was contributing immediately before he ceased to be a contributor, is entitled, in addition to the payment of the lump sum for which he has commuted and to annuity benefit (if any), to an amount determined by the Actuary and approved by the Board in respect of each unit of assurance benefit for which he was so contributing up to and including the number of units of annuity benefit in respect of which he has commuted for a lump sum and he shall be paid from the Fund a sum equal to that amount multiplied by a number equal to the number of units of annuity benefit in respect of which he has commuted; or
- (b) who, being a person through whom there is at the time he ceases to be a contributor no person who would derive an assurance benefit upon his death, either—
 - (i) does not commute as referred to in paragraph (a); or
 - (ii) was contributing at the time he ceased to be a contributor for a number of units of assurance benefit in excess of the number of units of annuity benefit in respect of which he has commuted as referred to in paragraph (a),

is entitled, in addition to annuity benefit to the payment (if any) to which he is entitled under paragraph (a), an amount determined by the Actuary and approved by the Board in respect of each unit of assurance benefit for which he was contributing immediately before he ceased to be a contributor or, as the case may be, in respect of each of those excess units of assurance benefit and he shall be paid from the Fund a sum equal to that amount multiplied by a number equal to the number of units of assurance benefit for which he was so contributing or, as the case may be, by a number equal to the number of those excess units of assurance benefit.”.

111. Amendment of s. 51B. Adjustment of pensions. (1) Section 51B of the Principal Act is amended by—

(a) omitting the word “September” wherever it occurs and substituting in each case the word “August”;

(b) omitting the word “August” wherever it occurs in subsections (7) and (8) and substituting in each case the word “July”.

112. New s. 51D. The Principal Act is amended by inserting after section 51C the following section:—

“**51D. Variation of entitlement to adjustment.** (1) Where in the opinion of the Board a person in receipt of a benefit under this Part would be prejudicially affected by an increase in his or her benefit under section 51B the Board may determine—

(a) that such person receive no increase in benefit under that section; or

(b) that such person receive an increase in benefit less than that provided for by that section,

and the determination shall be given effect according to its terms notwithstanding that section.

(2) The Board may revoke or vary a determination under subsection (1).

In the event of a revocation of a determination the amount of the benefit to which the determination related shall, as from the date of the revocation, be the same as if that determination had not been made.

In the event of a variation of a determination the amount of the benefit to which the determination relates shall, as from the date of the variation, be in accordance with the determination as so varied.

(3) Unless it is otherwise determined by the Board, for the purpose of determining the amount of benefit payable under section 42 or 51C all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the person in receipt of benefit shall be deemed to have been receiving, immediately before his death or, as the case may be, immediately before becoming entitled to the subsequent pension referred to in section 51C, the amount of benefit that would have been payable to him had no such determination been made.”.

113. Amendment of s. 52. Proof of continued incapacity. Section 52 of the Principal Act is amended by, in subsection (1), omitting the words “a medical practitioner” and substituting the words “any medical practitioner or medical practitioners”.

114. Amendment of s. 63. Children's pensions. Section 63 of the Principal Act is amended by adding at the end of the section the following subsection:—

“(4) The pension or sum payable in respect of a child, to whom subsection (1) of this section applies, on and from the commencement of the *Police Superannuation Acts Amendment Act 1977* shall be—

- (a) where the widow of the person through whom the pension is derived is or was entitled to a widow's pension under section 62 of this Act and is living, at the rate of \$16 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 65B from and including the first pay-period that occurs wholly in September 1977; and
- (b) in any case other than a case to which paragraph (a) applies, at the rate of \$32 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 65B from and including the first pay-period that occurs wholly in September 1977.”.

115. Amendment of s. 64. Pension to widow or child for ex-member dying after Act commences. Section 64 of the Principal Act is amended by adding at the end of the section the following subsection:—

“(4) Upon the death of a retired member of the Police Force, on or after the fourth day of January, one thousand nine hundred and seventy-one who retired on or after the first day of July, one thousand nine hundred and sixty-one—

- (a) to whom subsection (1) of section 61 of this Act applies;
- (b) to whom subsection (3) of section 68 of this Act applies, or
- (c) whose entitlement to receive superannuation allowance (including additional superannuation allowance, if any) had ceased or reduced as a result of an application under section 67A of this Act,

his widow, if her marriage to him took place before his retirement, shall, in lieu of the right or claim to payment prescribed by subsection (1), be entitled to a pension of five-eighths of the superannuation allowance which such member was receiving or would have been entitled to receive, but for an application under section 67A of this Act, immediately prior to his death.”.

116. Further amendment of s. 64. Pension to widow or child for ex-member dying after Act commences. Section 64 of the Principal Act is further amended by adding after subsection (4) the following subsections:—

“(5) The pension or sum payable in respect of a child to whom subsection (1) of this section applies, on and from the commencement of the *Police Superannuation Acts Amendment Act 1977* shall be—

- (a) where the widow of the person through whom the pension is derived is or was entitled to a widow's pension under

- this section and is living, at the rate of \$16 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 65B from and including the first pay-period that occurs wholly in September 1977; and
- (b) in any case other than a case to which paragraph (a) applies, at the rate of \$32 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 65B from and including the first pay-period that occurs wholly in September 1977.
- (6) Upon the death of a retired member of the Police Force on or after the twenty-ninth day of August, one thousand nine hundred and seventy-seven, who retired on or after the first day of July, one thousand nine hundred and sixty-one—
- (a) to whom subsection (1) of section 61 of this Act applies;
 - (b) to whom subsection (3) of section 68 of this Act applies, or
 - (c) whose entitlement to receive superannuation allowance (including additional superannuation allowance, if any) had ceased or reduced as a result of an application under section 67A of this Act,

his widow, if her marriage to him took place before his retirement, shall, in lieu of the entitlement to pension prescribed by subsection (4), be entitled to a pension of 66·7 per centum of the superannuation allowance which such member was receiving or would have been entitled to receive but for an application under section 67A of this Act, immediately prior to his death.”.

117. Amendment of s. 65B. Adjustment of benefits. Section 65B of the Principal Act is amended by—

- (a) omitting the word “September” wherever it occurs and substituting in each case the word “August”;
- (b) omitting the word “August” wherever it occurs in subsections (7) and (8) and substituting in each case the word “July”.

118. New s. 65C. The Principal Act is amended by inserting after section 65B the following section:—

“**65C. Variation of entitlement to adjustment.** (1) Where in the opinion of the Board a person in receipt of a benefit under this Division would be prejudicially affected by an increase in his or her benefit under section 65B the Board may determine—

- (a) that such person receive no increase in benefit under that section; or
- (b) that such person receive an increase in benefit less than that provided for by that section,

and the determination shall be given effect according to its terms notwithstanding that section.

(2) The Board may revoke or vary a determination under subsection (1).

In the event of a revocation of a determination the amount of the benefit to which the determination related shall, as from the

date of the revocation, be the same as if that determination had not been made.

In the event of a variation of a determination the amount of the benefit to which the determination relates shall, as from the date of the variation, be in accordance with the determination as so varied.

(3) Unless it is otherwise determined by the Board, for the purpose of determining the rate of pension payable under section 64 all determinations made under subsection (1) and all variations made under subsection (2) shall be disregarded and the person in receipt of benefit shall be deemed to have been receiving, immediately before his death, the amount of benefit that would have been payable to him had no such determination been made.”

119. New s. 79A. The Principal Act is amended by inserting after section 79 the following section:—

“**79A. Returns.** (1) The Board may require a pensioner at any time to furnish such evidence of age as the Board may consider sufficient and such other information as the Board may require for the purposes of this Act.

(2) A pensioner who fails to comply with a requirement of the Board under subsection (1) commits an offence against this Act, unless he or she proves that he or she had reasonable excuse for the failure, and is liable to a penalty of \$20.

(3) If a pensioner fails to comply with a requirement of the Board under subsection (1) and does not offer to the Board a reasonable excuse for his or her failure the Board may suspend payment of the pension to him or her until such time as the Board’s requirement is complied with to its satisfaction.

Where payment of a pension is suspended under this subsection the pension shall not be payable in respect of the period of suspension.

(4) For the purposes of this section—

(a) an excuse for failure by a pensioner to comply with a requirement of the Board to the effect that he or she does not wish to furnish the evidence or information required or that furnishing the evidence or information required would prejudice the interests of the pensioner or other person under this Act shall not constitute a reasonable excuse;

(b) the expression “pensioner” means a person to whom a pension is payable under this Act.”

120. Amendment of schedule II. Commutation factors. Schedule II to the Principal Act is amended by—

(a) in the heading “PART I—COMMUTATION FACTORS FOR MALES”, omitting the words “FOR MALES”;

(b) in the heading “PART II—COMMUTATION FACTORS FOR FEMALES”, omitting the words “FOR FEMALES”.

PART VI—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY
SUPERANNUATION ACT

121. Citation. (1) In this Part the *Parliamentary Contributory Superannuation Act 1970–1974* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Parliamentary Contributory Superannuation Act 1970–1984*.

122. Amendment of s. 5. Meaning of terms. Section 5 of the Principal Act is amended by, in subsection (1)—

(a) inserting after the definition “basic salary” the following definition:—

“continuing member” means a member who was entitled to salary as a member immediately prior to 22 October 1983 and whose service as a member has not been interrupted for any period after that date;

(b) inserting after the definition “member” the following definition:—

““new member” means—

(a) a member other than a continuing member; and

(b) a continuing member who has elected pursuant to this Act to be treated as a new member for the purposes of this Act;”;

(c) in the definition “salary”,

(i) omitting the word “official” wherever it occurs;

(ii) omitting the word “member” where it fourthly occurs and substituting the word “person”;

(d) adding to the definition “widow” the words “and does not include a person who married a former member after he or she had finally ceased to be a member”.

123. New s. 16A. The Principal Act is amended by inserting after section 16 the following section:—

“**16A. Election to be treated as new member.** A person who is a continuing member may, within three months after the passing of the *Superannuation Acts Amendment Act 1984*, elect by notice in writing served on the trustees to be treated as a new member for the purposes of this Act whereupon for the purposes of the application of this Act to that person or to any widow, female dependant or child of that person it shall be deemed—

(a) that that person is or, as the case may be, was a new member; and

(b) that that person had thereby ceased to be a continuing member.”.

124. Amendment of s. 17. Members' superannuation benefit. Section 17 of the Principal Act is amended by—

(a) omitting subsection (2) and substituting the following subsection:—

“(2) Subject to this Act, a person who ceases to be a member other than by reason of death and who is not entitled to a pension under this Act shall be entitled—

(a) in the case of a person who was a continuing member other than one referred to in paragraph (b), to have paid to him a refund of the amounts deducted under this Act or any corresponding previous enactment from salary paid to him together with simple interest thereon at the rate of three and one-half per centum per annum for the period or periods to which the deductions related to the date on which he ceased to be a member less any amount previously paid to him under this subsection or under any corresponding previous enactment that has not been repaid into the Fund;

(b) in the case of a person who was a new member (including a continuing member who has elected pursuant to this Act to be treated as a new member), to have paid to him—

(i) a refund of the amounts deducted under this Act or any corresponding previous enactment from salary paid to him before 22 October 1983 together with simple interest thereon at the rate of three and one-half per centum per annum for the period or periods to which the deductions related to 21 October 1983, such amounts and interest accumulating on and after 22 October 1983 at the rate of five per centum per annum compound to the date on which he ceased to be a member; and

(ii) a refund of the amounts deducted under this Act from salary paid to him after 22 October 1983 accumulated on and after that date at the rate of five per centum per annum compound over the period or periods to which the deductions related to the date on which he ceased to be a member,

less any amount previously paid to him under this subsection or under any corresponding previous enactment that has not been repaid into the Fund.”;

(b) omitting subsection (3) and substituting the following subsection:—

“(3) Subject to this Act, where a member dies while serving as a member and that member is not survived by a widow, or a pension to a female dependant under section 22 is not payable, or payments in respect of a child or children under section 21 are not payable in respect of that member, the personal representative of that member shall be entitled to be paid the

same amounts as that member would have been entitled to be paid under subsection (2) had he ceased to be a member other than by reason of death on the date next following that on which he did die.”;

(c) in subsection (4),

(i) omitting the expression “refund of contributions” wherever it occurs and substituting in each case the word “payment”;

(ii) omitting the words “has been paid” and substituting the words “has been repaid”;

(iii) omitting the expression “section 18 of”;

(iv) omitting the expression “refund of contribution” and substituting the words “payment escalated to an amount determined by the actuary”.

125. Amendment of s. 18. Right to convert entitlement to lump sum entitlement. Section 18 of the Principal Act is amended by, in subsection (3), inserting after the words “subsection (2) of this section” the words “less the amount of pension that he has been paid or, where the election has been made in respect of part only of the pension entitlement, less an amount that bears to that amount of pension the proportion that the part of the pension entitlement in respect of which the election was made bears to the whole of the pension entitlement”.

126. New s. 19A. The Principal Act is amended by inserting after section 19 the following section:—

“**19A. Right to convert s. 19 entitlement to lump sum entitlement.**

(1) A person who was a new member and is entitled to a pension under section 19 may within the period of six months after ceasing to be a member elect by notice in writing served on the trustees to convert the whole or any part of his pension entitlement to a lump sum payment determined in accordance with subsection (2).

Such election shall be effective only if in the trustees’ opinion the elector is medically competent to make the election.

(2) A lump sum payment under subsection (1) shall be the amount of the annual pension entitlement in respect of which the election is made multiplied by nine.

(3) A person who makes an effective election under subsection (1) shall be entitled to receive a lump sum payment calculated in accordance with subsection (2) less the amount of pension that he has been paid or, where the election has been made in respect of part only of the pension entitlement, less an amount that bears to that amount of pension the proportion that the part of the pension entitlement in respect of which the election was made bears to the whole of the pension entitlement and from the date of payment of that lump sum the annual pension entitlement of that person shall be reduced by the amount of annual pension entitlement in respect of which the election was made.”.

127. Amendment of s. 20. Pension for widow. Section 20 of the Principal Act is amended by—

(a) in subsection (1),

(i) inserting after the words “ death of a person ” the words “, other than a new member, who is ”;

(ii) omitting the word “ her ” where it occurs before the word “ death ”;

(iii) omitting the words “ her husband ” wherever they occur and substituting in each case the words “ the former member ”;

(iv) omitting the words “ forty per cent per annum ” and substituting the words “ forty per centum ”;

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

“ (1A) On the death of a person receiving a pension under the foregoing provisions of this Part, being a person who was a new member, the widow of that person shall until death or re-marriage be entitled to an annual pension at the rate of—

(a) two-thirds of the pension that became payable to the former member when he ceased to be a member; or

(b) forty per centum of the basic salary at the time when the former member ceased to be a member,

whichever is the greater:

Provided that if the former member had, pursuant to section 18 or 19A, converted a part of his pension entitlement to a lump sum payment the widow’s pension entitlement shall be reduced by the proportion that the part in respect of which the election to convert was made bears to the whole of the former member’s pension entitlement.”;

(c) renumbering the existing subsection (1A) as subsection (1B) and in that subsection,

(i) inserting after the words “ subsection (1) ” the words “ or (1A) ”;

(ii) omitting the words “ her entitlement ” where they firstly occur and substituting the words “ the entitlement ”;

(iii) omitting the definition “ B ” and substituting the following definition:—

“ B represents—

(a) in the case of the widow of a person who was other than a new member, the annual amount of the pension that was payable under this Act to the person through whom the widow derives the entitlement immediately before his death or, where that person had made an election under section 18 or section 24 applied to him, that would have been payable under this Act to that person immediately before his death but for the election or the application of section 24; or

(b) in the case of the widow of a person who was a new member, the annual amount of the pension that was payable under this Act to the person through whom the widow derives the entitlement immediately before his death or, where section 24 applied to him, that would

have been payable under this Act to that person immediately before his death but for the application of section 24;”;

(iv) omitting the words “ her entitlement ” where they occur in the definition “ C ” and substituting the words “ the entitlement ”;

(d) in subsection (2),

(i) omitting the words “ of a member ” and substituting the words “ of a continuing member ”;

(ii) omitting the word “ her ” where it occurs before the word “ death ”;

(iii) omitting the words “ her husband ” and substituting the words “ the former member ”;

(iv) omitting the words “ forty per cent per annum ” and substituting the words “ forty per centum ”;

(e) inserting after subsection (2) the following subsection:—

“ (2A) On the death of a new member who has served for an aggregate period of eight years, the widow of that person shall until death or re-marriage be entitled to an annual pension at the rate of—

(a) two-thirds of the pension that would have been payable to the former member but for his death if he had ceased to be a member on the date of his death and were entitled to a pension under section 17; or

(b) forty per centum of the basic salary at the time when the former member ceased to be a member,

whichever is the greater.”;

(f) in subsection (3),

(i) omitting the words “ a pension ” and substituting the words “ an annual pension ”;

(ii) omitting the word “ her ”;

(iii) omitting the words “ forty per cent per annum ” and substituting the words “ forty per centum ”;

(g) inserting after subsection (3) the following subsection:—

“ (4) Subsections (2A) and (3) do not confer a benefit on a widow of a former member who was a new member other than a continuing member who has elected to be treated as a new member unless in the trustees’ opinion the widow was wholly financially dependent upon the former member immediately before his death.

For the purposes of this section a widow shall be taken to be wholly financially dependent upon a former member notwithstanding that the widow is in receipt of an income that in the trustees’ opinion is insufficient to maintain for the widow a reasonable standard of living.”;

(g) renumbering the existing subsection (4) as subsection (5);

(h) omitting the existing subsection (5);

(i) omitting subsection (6) and substituting the following subsection:—

“(6) Subject to subsection (7), where a widow of a former member remarries and—

(a) again becomes widowed; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage, and the widow is, in the trustees’ opinion, likely to suffer hardship if the benefit prescribed by this subsection is not granted to the widow,

the widow shall be entitled to an annual pension on and from the occurrence of the event referred to in paragraph (a) or (b) (whichever is relevant to the case), at the same rate as that at which the pension would have been payable had there been no remarriage, until death or further re-marriage.”.

(j) omitting subsection (7) and substituting the following subsection:—

“(7) Subsection (6) does not entitle a widow to derive pension entitlement through more than one member or former member and a widow who but for this subsection would so derive pension entitlement shall be deemed to derive the sole entitlement to pension through the person through whom the greatest entitlement to pension would be derived.”.

128. New ss. 20A and 20B. The Principal Act is amended by inserting after section 20 the following sections:—

“20A. Right to convert widow’s entitlement to lump sum entitlement. (1) A former member’s widow (other than the widow of a continuing member) who is entitled to an annual pension under this Act may within the period of six months after the date on which the pension entitlement arises or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire, elect by notice in writing served on the trustees to convert the whole or any part of the pension entitlement to a lump sum payment determined in accordance with subsection (2).

(2) A lump sum payment under subsection (1) shall be such amount as is determined by the actuary and approved by the trustees.

(3) A person who makes an election under subsection (1) shall be entitled to receive a lump sum payment determined and approved in accordance with subsection (2) and from the date of payment of that lump sum the annual pension entitlement of that person shall be reduced by the amount of annual pension entitlement in respect of which the election was made.

20B. Benefit for non-dependent widows. A former member’s widow who by reason of section 20 (4) is not entitled to an annual pension under this Act pursuant to section 20 (2A) or (3) is entitled to payment of a lump sum in an amount determined by the actuary and approved by the trustees.”.

129. Amendment of s. 21. Payments to children. Section 21 of the Principal Act is amended by—

(a) omitting the word “eighteen” wherever it occurs and substituting in each case the word “sixteen”;

(b) omitting the word “twenty-one” wherever it occurs and substituting in each case the word “twenty-five”;

(c) in subsection (3), inserting before the word “she” the words “he or”.

130. Amendment of s. 22. Payment to female dependants. Section 22 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(5) In the application of the provisions of section 20 to a female dependant referred to in this section a reference “death or re-marriage” in those provisions shall be construed as a reference “death, re-marriage or marriage”.”.

131. New s. 22A. The Principal Act is amended by inserting after section 22 the following section:—

“**22A. Endowment benefit to new members who were continuing members.** A continuing member who has elected pursuant to this Act to be treated as a new member and who has pursuant to section 18 converted the whole or part of his pension entitlement to a lump sum payment is entitled, in addition to the benefits to which he is entitled under section 17 or 18, to an amount determined by the actuary and approved by the trustees, having regard to the period for which deductions have been made from salary paid to that member before 22 October 1983 and paid to the Fund.”.

132. Repeal of and new s. 23. The Principal Act is amended by repealing section 23 and substituting the following section:—

“**23. Pension entitlement reduced if the member has previously converted pension entitlement.** Notwithstanding anything in this Part, where a person who, on ceasing to be a member, converted the whole or part of his pension entitlement to a lump sum becomes entitled to a pension under this Act the amount of his annual pension entitlement shall be reduced by the amount of annual pension entitlement in respect of which the conversion was made escalated to an amount determined by the actuary.”.

133. Amendment of s. 24. Reduction of pension in certain cases. Section 24 of the Principal Act is amended by, in subsection (3), omitting all words from and including the word “who” to and including the words “under this Act” and substituting the words “to whom, but for the provisions of subsection (1), a pension under this Act would have been payable”.

134. Amendment of s. 25A. Adjustment of pensions. Section 25A of the Principal Act is amended by—

(a) in subsection (4), omitting the word “October” and substituting the word “August”;

(b) in subsection (6), omitting the words “ occurring in the month of October ” and substituting the words “ occurring wholly in the month of August ”;

(c) in subsection (7),

(i) omitting the word “ September ” wherever it occurs and substituting in each case the word “ July ”;

(ii) omitting the words “ in the month of October ” wherever they occur and substituting in each case the words “ occurring wholly in the month of August ”;

(d) in subsection (8), omitting the words “ 30th September ” and substituting the words “ 31st July ”.

135. Amendment of s. 30A. Adjustment of annuities. Section 30A of the Principal Act is amended by—

(a) in subsection (4), omitting the word “ October ” and substituting the word “ August ”;

(b) in subsection (b), omitting the words “ occurring in the month of October ” and substituting the words “ occurring wholly in the month of August ”;

(c) in subsection (7),

(i) omitting the word “ September ” wherever it occurs and substituting in each case the word “ July ”;

(ii) omitting the words “ in the month of October ” wherever they occur and substituting in each case the words “ occurring wholly in the month of August ”;

(d) in subsection (8), omitting the words “ 30th September ” and substituting the words “ 31st July ”.