

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 27 of 1987

An Act to amend the State Service Superannuation Act 1972-1985 the Public Service Superannuation Act 1958-1985 the Parliamentary Contributory Superannuation Act 1970-1985 the Police Superannuation Act 1974-1985 and the Police Superannuation Act 1968-1985 each in certain particulars

[ASSENTED TO 23RD APRIL, 1987]

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 1987*.

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

PART I—PRELIMINARY (ss. 1-2);

PART II—AMENDMENT OF STATE SERVICE SUPERANNUATION ACT 1972-1985 (ss. 3-28);

PART III—AMENDMENT OF PUBLIC SERVICE SUPERANNUATION ACT 1958-1985 (ss. 29-50);

PART IV—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT 1970-1985 (ss. 51-54);

PART V—AMENDMENT OF POLICE SUPERANNUATION ACT 1974-1985 (ss. 55-71);

PART VI—AMENDMENT OF POLICE SUPERANNUATION ACT 1968-1985 (ss. 72-85).

PART II—AMENDMENT OF STATE SERVICE SUPERANNUATION ACT 1972-1985

3. Citation. (1) In this Part the *State Service Superannuation Act 1972-1985* 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 1972-1987*.

4. Amendment of s. 2. Parts of Act. Section 2 of the Principal Act is amended by omitting the words "*Division II—Relicts' pensions;*" and substituting the words "*Division II—Benefits upon Contributor's Death;*".

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

(a) omitting the words "This Act" and substituting the words "Subject to any provision of this Act that prescribes for the application of any provision of this Act, this Act";

(b) omitting the expression "." where it occurs at the end of paragraph (f) and at the end of paragraph (h) and substituting in each case the expression ",".

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

(a) omitting from the note appearing in and at the beginning of the section the words "of terms";

(b) in subsection (1), adding at the end of paragraph (b), after the word “service”, the words “except where he has received the refund in connexion with his having made an election under section 35 (2)”;

(c) inserting after subsection (9) the following subsection:—

“(9A) Notwithstanding any other provision of this Act, where the employment of a contributor as an officer ceases at any time after the contributor has attained the age of 60 years otherwise than by reason of his death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this Act, the contributor shall be deemed to have elected to retire at the time when the employment ceased.”.

7. Amendment of s. 19. Quinquennial investigation by Actuary.

Section 19 of the Principal Act is amended in subsection (1) by omitting the word “periodically” and substituting the words “shall be undertaken and completed periodically as to the state and sufficiency of the Fund for the time being”.

8. Amendment of s. 21. Commencement and cessation of contributions.

Section 21 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) An officer’s contributions cease to be payable on the last day of the fortnightly pay-period last preceding the day on which—

he ceases to be an officer;

he attains the age for retirement;

or

his service as an officer, ascertained as prescribed by section 26, equals 42 years and 6 months,

whichever first occurs.”.

9. Amendment of s. 22. Time and manner of paying contributions.

Section 22 of the Principal Act is amended in subsection (4) by omitting the words “but the Board may waive payment thereof wholly or in part.” and substituting the following words:—

“but—

(a) the Board may waive payment thereof wholly or in part;

or

(b) the Board may determine that any such amount not so deducted and not otherwise recovered by the Board be recovered by reduction of the amount of benefit payable upon a claim made by or derived from the contributor, whereupon any such amount of contribution shall be deemed not to be due and unpaid.

Where the Board has exercised the power conferred by paragraph (b) the benefits from the Fund to which the contributor concerned

or any person deriving a benefit through him is entitled shall be reduced by the amount in respect of which the power is exercised and the amount of interest that would have accrued to the Fund and the State Service Superannuation Additional Benefits Fund had the contributions and additional payments been duly paid.”.

10. Amendment of s. 24. Rates of contribution. Section 24 of the Principal Act is amended by—

(a) in subsection (4A), inserting after the expression “1976” the words “and before the passing of the *Superannuation Acts Amendment Act 1987*”;

(b) inserting after subsection (4A) the following subsection:—

“(4B) Where, by reason that an officer becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1987* and after he has attained the age of 22 years and 6 months, the length of the officer’s service, ascertained for the purpose of calculating the pension to be paid to him under this Act, if he attains the age for retirement, will not amount to 42 years and 6 months, the officer may elect, within a period of two months after he becomes an officer to increase the rate of his contribution and the Board may determine that the additional rate of the contributions that, but for this subsection, would have been payable by the officer shall be a sum calculated at such rate as the Board, after consultation with the Actuary, may determine, being a rate which, having regard to the fact that payments by the Crown will be in relation only to contributions by the officer that would be payable but for this subsection, will enable the length of service for the purpose of calculating the pension to be paid to him under this Act to be regarded as the length of service ascertained in accordance with the Board’s determination under subsection (6) but not exceeding a maximum of 42 years and 6 months, and thereupon the officer shall be deemed to be required to contribute to the Fund at the rate so determined in addition to the rate prescribed by this Act (other than this subsection).”;

(c) inserting after the expression “(4A)”, wherever it occurs in subsections (6), (6A), (6B) and (6C), the expression “, (4B)”.

11. Amendment of s. 24A. Provision for female contributors to contribute for benefits under Divisions II and III of Part IV. Section 24A of the Principal Act is amended in subsection (1) by omitting the words “that Act” and substituting the words “the *Superannuation Acts Amendment Act 1987*”.

12. Amendment of s. 26. Calculation of service. Section 26 of the Principal Act is amended in paragraph (b) by omitting the words “forty-five years” where they twice occur and substituting in each case the words “42 years and 6 months”.

13. Amendment of s. 27. Rights of contributors for category A benefits. Section 27 of the Principal Act is amended by—

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

$$“P = \frac{A \times 3B}{170} ;”$$

(b) in subsection (5A), inserting after the words “subsection (4A)” wherever they occur the words “or (4B)”;

(c) in subsection (6),

(i) inserting after the words “section 24 (4A)” the words “or (4B)”;

(ii) omitting provision (c) and substituting the following provision:—

“(c) elects to retire before his service, ascertained as prescribed by section 26, amounts to 42 years and 6 months,”;

(iii) omitting the formula and substituting the following formula:—

$$“P = A \left(\frac{3N}{170} \times \frac{M}{C} \right) ;”$$

(iv) omitting the definitions “M” and “C” and substituting the following definitions:—

“M represents the contributor’s length of service, expressed in years, as at the time of his retirement, not exceeding 42 years and 6 months;

C represents the length of service, expressed in years, which the contributor would have had if he had continued as an officer until he attained the age for retirement, not exceeding 42 years and 6 months.”.

14. Amendment of s. 28. Rights of continuing contributors for category A benefits. Section 28 of the Principal Act is amended in subsection (2) by omitting the formula and substituting the following formula:—

$$“P = \frac{A \times 3B}{170} .”$$

15. Amendment of s. 29. Rights of contributors for category B benefits. Section 29 of the Principal Act is amended in subsection (2) by inserting after the expression “(4A)” where it twice occurs the words “or (4B)”.

16. New heading to Division II of Part IV. Relicts' Benefits. The Principal Act is amended by omitting the heading immediately preceding section 31 and substituting the following heading:—

“Division II—Benefits upon Contributor's Death”.

17. Amendment of s. 31. Entitlement to benefit. Section 31 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “a relict of” and substituting the words “in respect of”;

(ii) inserting before the words “is entitled” the words “a relict of the contributor or, except in a case to which paragraph (b) of section 32 (3) applies, if there be no relict, the legal personal representative of the contributor or other person approved by the Board”;

(iii) omitting from paragraph (i) the formula and substituting the following formula:—

$$“A = \frac{B \times C \times 3D}{170} ” ;$$

(iv) omitting from paragraph (i) the definition “B” and substituting the following definition:—

“B represents—

in the case of a continuing contributor, the final average increase in salary of the contributor;

or

in the case of any other contributor, the final average salary of the contributor;”;

(v) omitting from paragraph (i) the definition “D” and substituting the following definition:—

“D represents the length of service, expressed in years and ascertained as prescribed by section 26, which the contributor would have had if he or she had continued as an officer until the age of 60 years and had thereupon died;”;

(vi) omitting from paragraph (ii) the formula and substituting the following formula:—

$$“A = \frac{B \times C \times 3D}{170} ” ;$$

(vii) omitting from paragraph (ii) the definition “B” and substituting the following definition:—

“B represents—

in the case of a continuing contributor, the final average increase in salary of the contributor;

or

in the case of any other contributor, the final average salary of the contributor;”;

(viii) omitting from paragraph (ii) the definition “D” and substituting the following definition:—

“D represents the length of service, expressed in years and ascertained as prescribed by section 26, of the contributor as at the date of his or her death, not exceeding 42 years and 6 months.”;

(ix) omitting from paragraph (ii) the definition “E”;

(b) in subsection (5), inserting after the words “the relict” the words “or other person”;

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

“(8) The term “relict” in this section shall be construed as a reference to a relict of a contributor or pensioner who dies on or after the commencement of section 20 of the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985*.

The benefit prescribed by subsection (1) to accrue in the absence of a relict of a contributor shall be taken to accrue only in respect of a contributor who dies on or after the passing of the *Superannuation Acts Amendment Act 1987*.

The term “pensioner” where it occurs in paragraph (a) of subsection (2) does not include a person who was retired or permitted to retire on the grounds of incapacity and has made an election under section 47.”.

18. Amendment of s. 32. Child’s pension: When payable. Section 32 of the Principal Act is amended by—

(a) in paragraph (a) of subsection (3),

(i) omitting the words “is or was entitled to a relict’s pension under this Act or to a payment under section 31C and”;

(ii) omitting the expression “\$16” and substituting the expression “\$50”;

(iii) omitting the words “September 1977” and substituting the words “August 1987”;

(b) in paragraph (b) of subsection (3),

(i) omitting all words from and including the words “including the case” to and including the expression “1978”;

(ii) omitting the Table and substituting the following Table:—

“
TABLE

one child	66.7 per centum
two or more children	100 per centum divided by the number of children in respect of each child:”

(iii) omitting the second proviso;

(c) adding at the end of subsection (3) the following paragraph:—

“The cases to which the provisions of this subsection apply includes the case of a child’s pension payable immediately before the passing of the *Superannuation Acts Amendment Act 1987*.”;

(d) in subsection (6), inserting after the expression “1984” the words “and before the passing of the *Superannuation Acts Amendment Act 1987*”;

(e) inserting after subsection (6) the following subsection:—

“(6A) 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 1987* and 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 (disregarding for the purpose of calculating that amount any increase in the rate of pension payable since the time when the entitlement arose) is less than the amount that would have been payable under section 31 to the relict of the person through whom the entitlement is derived, had he left a relict upon his death, there shall be paid to such persons as are approved by the Board, in equal shares if more than one, the difference between the two amounts hereinbefore referred to in this subsection.”.

19. Amendment of s. 33. Commencement and cessation of children’s pensions. Section 33 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(3) Where—

- (a) a child’s pension has ceased pursuant to subsection (1) or (2);
- and
- (b) no amount has been paid in accordance with section 32 (6) or (6A);
- and
- (c) the Board is satisfied that the child concerned is receiving full-time education at a school, college or university at any time before he has attained the age of 25 years,

the Board may re-instate the child's pension at the rate at which it would have been payable if it had not ceased, whereupon the pension shall be payable subject to subsection (2)."

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

(a) in subsection (1), inserting before the words "is not entitled" the words ", subject to subsections (2) and (2A)";

(b) renumbering subsection (2) as subsection (2D);

(c) inserting after subsection (1) the following subsections:—

"(2) Where a contributor, before attaining the age for retirement, ceases to be an officer by reason of—

(a) his resignation before attaining the age of 60 years;

(b) termination of his employment as an officer before attaining the age of 60 years, otherwise than on account of misconduct;

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

or

(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),

and he has been a contributor for a period of 12 months at the least, he may elect as prescribed not to take from the Fund that part of the benefit prescribed by subsection (1) that is attributable to his contributions to the Fund at the rates prescribed by section 25.

An election under this subsection—

shall be in writing furnished to the Board;

and

shall be made within three months after the date on which he so ceases to be an officer.

(2A) Where an election is duly made under subsection (2), there shall be credited in the Fund on account of the elector an amount equal to that part of the benefit to which the election relates and, in the case of a contributor who had contributed to the Fund for at least five years after his twentieth birthday, an additional sum equal to 10 per centum of that amount for each year during which he has so contributed, after his twentieth birthday (but so that the additional sum does not exceed 250 per centum of that amount), until, subject to subsection (2B)—

(a) he attains the age of 60 years;

(b) he satisfies the Board that he suffers a permanent incapacity by reason whereof he is unfit to discharge

or incapable of discharging duties as an officer efficiently;

(c) he informs the Board in writing that he no longer desires his election to operate;

or

(d) he dies,

whereupon the prescribed amount shall be paid to him or to his legal personal representative, as the case requires.

(2B) Where a person who has duly made an election under subsection (2) again becomes a contributor the prescribed amount credited in the Fund on his account shall be applied to the purchase by that person of benefit entitlements in respect of a period of service equal to the period during which he had contributed to the Fund after his twentieth birthday and before he made his election.

Where a person to whom the preceding paragraph applies again ceases to be an officer in any circumstance prescribed by subsection (2) and does not make an election under that subsection the benefit to which he shall on that occasion be entitled under subsection (1) in respect of the prescribed amount applied pursuant to the preceding paragraph shall be in such amount as is determined by the Actuary and approved by the Board, notwithstanding the provisions of subsection (1).

(2C) The term "prescribed amount" in subsections (2A) and (2B) means—

(a) where the elector has informed the Board in writing that he no longer desires his election to operate, the sum which he would have been entitled to be paid from the Fund pursuant to subsection (1) had he not made his election under subsection (2), less the amount already paid on his account from the Fund as benefit under subsection (1), together with interest that has accrued to the Fund since the date on which the elector ceased to be an officer and that is properly attributable to that sum less that amount;

and

(b) in any other case, the amount credited in the Fund on account of the elector pursuant to subsection (2A), together with interest for the period since the date on which the elector ceased to be an officer calculated at the rate of interest earned by the Fund over that period.”;

(d) in subsection (3),

(i) omitting all words from and including the words “and has completed” to and including the words “the contributor,” where they occur at the end of paragraph (e) and substituting the words “and at the time of death has completed less than 10 years’ service and, in the

case of a female who became such 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 Board's opinion were wholly dependent on the contributor when she died, then the relict of the contributor or, if there be no relict, the legal personal representative of the contributor or other person approved by the Board”;

(ii) inserting after the expression “(4A)” where it twice occurs the words “or (4B)”.

21. New s. 36B and renumbering existing s. 36B. The Principal Act is amended by—

(a) renumbering section 36B as section 36C;

(b) inserting after section 36A the following section:—

“**36B. Further adjustment of pensions.** A person who, immediately before the passing of the *Superannuation Acts Amendment Act 1987*, is entitled to receive contributor's pension, incapacity pension or relict's pension under this Act is entitled to an increase in the rate of the pension of six per centum of the rate of the pension payable immediately before the passing of that Act.”.

22. Amendment of s. 36C (as renumbered). Variation of entitlement to adjustment. Section 36C (as renumbered by section 22 of this Act) of the Principal Act is amended in subsection (1) by inserting after the expression “36A” the expression “or 36B”.

23. Amendment of s. 41. Entitlement to receive incapacity pension. Section 41 of the Principal Act is amended by—

(a) in subsection (1), adding at the end thereof the words “and, in the case referred to in paragraph (a), that the incapacity is likely to be permanent”;

(b) in subsection (3), adding at the end of paragraph (a), after the word “efficiently”, the words “and, where the person in question is one referred to in paragraph (a) of subsection (1), whether the incapacity is likely to be permanent”.

24. Amendment of s. 44. Incapacity pension may be suspended during employment. Section 44 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section, omitting the words “during employment”;

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

“(1) If at any time it appears to the Board that any person who is in receipt of incapacity pension—

(a) engages in—

any business or occupation on his own account;

or

employment, not being employment by virtue whereof he is an officer receiving salary at least equal to the rate referred to in section 43 (2);

or

(b) is in receipt of compensation under the *Workers' Compensation Act 1916-1983*,

the Board may suspend payment of the incapacity pension.”;

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

“(2) For the period for which payment of an incapacity pension is suspended under subsection (1) the person concerned shall not be entitled to or receive any incapacity pension from the Fund unless the Board directs that he be paid for that period or such part thereof as the Board determines, the whole of the incapacity pension or such part thereof as the Board considers reasonable.”;

(d) omitting subsection (3).

25. 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) inserting after subsection (8A) the following subsection:—

“(8AA) Notwithstanding the foregoing provisions of this section, where any of those foregoing provisions is to be applied in respect of a contributor whose length of service, expressed in years and ascertained as prescribed by section 26, is 42 years and 6 months at the least—

- (a) any factor prescribed by that provision to be used as a multiplier for the purposes of the provision (not being a factor to which paragraph (b) refers) shall be not less than the factor set forth in the second column of the Part of the Schedule prescribed by the provision opposite the age, in years and complete months, that was the contributor's age, in years and complete months, when his length of service (so ascertained) amounted to 42 years and 6 months;
- (b) any multiplier being 261 or 287 or a factor to be determined by the Actuary not exceeding 261 or 287 prescribed by that provision to be used for the purposes of that provision shall not be that so prescribed but shall be—
 - (i) where the multiplier is 261 or the factor is not to exceed 261, that factor set forth in Part I of Schedule 1A;

or

- (ii) where the multiplier is 287 or the factor is not to exceed 287, that factor set forth in Part II of Schedule 1A,

opposite the age, in years and complete months, that was the contributor's age, in years and complete months, when his length of service (so ascertained) amounted to 42 years and 6 months.”;

(b) in subsection (9),

- (i) omitting all words from and including “235 times” to the end of the subsection and substituting the following words—

“the amount that would have been payable from the Fund—

- (a) had the contributor died on the date of his or her retirement from employment as an officer on the grounds of incapacity;

and

- (b) 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 contribution to the Fund pursuant to section 24A, had the contributor increased the rate of her contribution to the Fund pursuant to that section,

less the amount of pension that he or she has been paid in respect of the period subsequent to the date of his or her retirement or the date of approval of his or her retirement, whichever date is the later, 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 thereupon ceases.”;

- (ii) adding at the end thereof the following paragraph:—

“This subsection applies whether the date from which the retirement of a contributor who is retired or permitted to retire after the passing of the *Superannuation Acts Amendment Act 1987* takes effect is before or after the passing of that Act.”.

26. Amendment of s. 51. Contributions to the Fund by the State and by State authorities. Section 51 of the Principal Act is amended by—

- (a) in subsection (1), omitting all words from and including the words “For the purposes of” to the end of the subsection and substituting the following paragraph:—

“For the purposes of this section a payment pursuant to—
section 29 (2);
section 30 (2);

section 35 (2A), being a payment of a prescribed amount as defined in paragraph (b) of section 35 (2C);

or

section 35 (3), except the part thereof attributable to any additional contributions under section 24 (4),

shall not be treated as a payment made by way of refund of contributions.”;

(b) in subsection (1C), inserting after the expression “(4A)” the expression “or (4B)”;

(c) in subsection (1D), omitting the expression “22 (7), 35 (1) and 35 (2)” and substituting the expression “22 (7), 35 (1) or 35 (2D)”;

(d) inserting after subsection (1D) the following subsection:—

“(1E) Notwithstanding subsection (1), the contribution of the Treasurer under this section in respect of a payment pursuant to section 35 (2A), being a payment of a prescribed amount as defined in paragraph (b) of section 35 (2C), shall be an amount equal to the additional sum referred to in section 35 (2A) together with that part of the payment being interest calculated in accordance with paragraph (b) of section 35 (2C) in respect of that additional sum.”.

27. Amendment of s. 62. Returns. Section 62 of the Principal Act is amended by—

(a) in subsection (2), inserting after the word “pensioner” the words “or a person who has made an election under section 35 (2)”;

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

“(3) Where a person upon whom a requisition has been duly made under subsection (2) fails to comply with the requisition without excuse that in the Board’s opinion is reasonable, the Board may—

(a) in the case of a pensioner, suspend payment of his pension until the requisition is complied with to the Board’s satisfaction;

or

(b) in any other case, withhold payment of benefits to which the person is entitled pursuant to this Act until the requisition is complied with to the Board’s satisfaction.

(4) Where the Board has exercised a power conferred on it by subsection (3) and has given to the person concerned notice of the Board’s decision that the case is one to which this subsection applies, which notice, if sent by post, shall, unless the

contrary be proved, be deemed to have been so given when it would have been delivered in the ordinary course of post, then—

- (a) in the case of a suspension of pension, the pensioner shall not be entitled to pension in respect of the period of suspension;
- or
- (b) in the case of a withholding of payment of benefits, the person concerned shall not be entitled to any benefit pursuant to this Act until he complies with the Board's requisition to the Board's satisfaction."

28. Amendment of Sch. III and Sch. IIIA. The Principal Act is amended in Schedules III and IIIA by omitting from the heading to the schedule in each case the word "relicts" and substituting in each case the words "benefits upon death".

PART III—AMENDMENT OF PUBLIC SERVICE SUPERANNUATION ACT 1958-1985

29. Citation. (1) In this Part the *Public Service Superannuation Act 1958-1985* 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 1958-1987*.

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

(a) omitting the note appearing in and at the beginning of the section and substituting the note "**Interpretation**";

(b) numbering the paragraph commencing with the words "Where a contributor" as subsection (1A);

(c) inserting after subsection (1A) the following subsection:—

"(1B) Notwithstanding any other provision of this Act, where the employment of a contributor as an officer ceases at any time after the contributor has attained the age of 60 years otherwise than by reason of his death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this Act, the contributor shall be deemed to have elected to retire and to have voluntarily resigned from his employment at the time when the employment ceased."

31. Amendment of s. 20 (3). Contributions to be paid periodically. Section 20 of the Principal Act is amended in subsection (3), by adding at the end of paragraph (b) the following words:—

"but the Board may determine that any such amount not so deducted and not otherwise recovered by the Board be recovered by reduction of the amount of benefit payable upon a claim made by or derived from the contributor, whereupon any such amount of contribution shall be deemed not to be due and unpaid".

32. Amendment of s. 20 (4). Section 20 of the Principal Act is amended in subsection (4) by inserting after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

33. Amendment of s. 24. Officer reduced in salary. Section 24 of the Principal Act is amended by inserting after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

34. Amendment of s. 26. Period for which contributions are to continue. Section 26 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) Except as prescribed by this section, an officer shall continue to contribute as prescribed to the Fund until the last day of the fortnightly pay-period last preceding the day on which—

he or she ceases to be an officer;

he or she attains the age for retirement;

or

his or her service as an officer, ascertained as prescribed by section 26 of the 1972 Act equals 42 years and 6 months,

whichever first occurs, and except as aforesaid, shall continue to pay contribution, as for a period of service, without reduction in respect of any period of leave or absence from duty.”.

35. Amendment of s. 27C. Contributor may discontinue contribution for reserve units. Section 27C of the Principal Act is amended in subsection (1) by adding at the end thereof the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

36. Amendment of s. 27E. Payment of lump sum on ceasing to contribute. Section 27E of the Principal Act is amended in subsection

(4) by inserting after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

37. Amendment of s. 28. Amount of contribution by the Crown. Section 28 of the Principal Act is amended by—

(a) numbering the provisions thereof as subsection (1);

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

“(2) Notwithstanding subsection (1), the contribution of the Crown under this section in respect of a payment pursuant to section 47 (2), being a payment of a prescribed amount as defined in paragraph (b) of section 47 (4), shall be an amount equal to the additional sum referred to in section 47 (2) together with that part of the payment being interest calculated in accordance with paragraph (b) of section 47 (4) in respect of that additional sum.”.

38. Amendment of s. 33. Entitlement to assurance benefit. Section 33 of the Principal Act is amended by—

(a) in subsection (1), omitting the word “widow” and substituting the word “person”;

(b) in subsection (2)—

(i) omitting the words “every widow of”;

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

“(a) the widow of a contributor who dies before attaining the age for retirement or, except in a case to which paragraph (b) of section 36 (1) applies, if there be no widow, the legal personal representative of the contributor or other person approved by the Board;”;

(iii) inserting in paragraphs (b), (c) and (d) in each case before the words “a person” the words “the widow of”;

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

“(4) In paragraph (a) of subsection (2) reference to a legal personal representative or other person approved by the Board shall be construed as reference to such a representative of or other person so approved in respect of a contributor who dies on or after the passing of the *Superannuation Acts Amendment Act 1987*.”.

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

(a) in subsection (1),

(i) omitting from paragraph (a) the expression “\$16” and substituting the expression “\$50”;

(ii) omitting from paragraph (a) the words “September 1977” and substituting the words “August 1987”;

(iii) omitting from paragraph (b) the Table and substituting the following Table:—

“
TABLE

one child	\$2.56	per fortnight
two or more children	\$3.84	per fortnight divided by the number of children in respect of each child.”;

(iv) omitting the second proviso to paragraph (b);

(b) in subsection (3), inserting after the expression “1984” the words “and before the passing of the *Superannuation Acts Amendment Act 1987*”;

(c) adding after subsection (3) the following subsection:—

“(4) Where by reason of the death of a contributor or a pensioner 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 1987* and the amount of benefit paid in respect of the child or, where there are more than one child who derive the entitlement, in respect of all of them (disregarding for the purpose of calculating that amount any increase in the rate of benefit payable since the time when the entitlement commenced) is less than the amount that would have been payable under section 33 to the widow of the person through whom the entitlement is derived, had he left a widow upon his death, there shall be paid to such persons as are approved by the Board, in equal shares if more than one, the difference between the two amounts hereinbefore referred to in this subsection.”.

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

Section 38 of the Principal Act is amended in subsection (1) by adding after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

41. Amendment of s. 38A. Refunds of incapacity benefit contributions.

Section 38A of the Principal Act is amended in subsection (1) by adding after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

42. Repeal of and new s. 39. Refund of assurance benefit contributions. The Principal Act is amended by repealing section 39 and substituting the following section:—

“**39. Refund of assurance benefit contributions.** If and when a person ceases to be a contributor before attaining the age for retirement other than by reason of—

his death;

his retirement from employment as an officer on the ground of incapacity;

or

his retirement from employment as an officer pursuant to an election referred to in section 29 (2)

he shall be paid from the Fund a sum equal to the aggregate of all amounts contributed by him to the Fund in respect of units of assurance benefit for which he was contributing accumulated at the rate of one and one-quarter per centum per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound.”.

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

“**43CA. Further adjustment of pensions.** A person who, immediately before the passing of the *Superannuation Acts Amendment Act 1987*, is entitled to receive a benefit, other than additional assurance benefit, under this Act and who takes the entitlement in the form of a pension is entitled to an increase in the rate of the pension of six per centum of the rate of the pension payable immediately before the passing of that Act.”.

44. Amendment of s. 43D. Variation of entitlement to adjustment. Section 43D of the Principal Act is amended in subsection (1) by inserting after the expression “43B” the words “or 43CA”.

45. Amendment of s. 43E. Entitlement to receive incapacity benefit. Section 43E of the Principal Act is amended by—

(a) in subsection (1), adding at the end thereof the words “and, in the case referred to in paragraph (a), that the incapacity is likely to be permanent”;

(b) in subsection (3), adding at the end of paragraph (a), after the word “efficiently”, the words “and, where the person in question is one referred to in paragraph (a) of subsection (1), whether the incapacity is likely to be permanent”.

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

“**43F. Enlargement of benefits to level of benefits under 1972 Act.** Notwithstanding the provisions of this Act, in respect of a

contributor who retires, commences a period of sick leave of absence without salary or dies after the passing of the *Superannuation Acts Amendment Act 1987* the value of a unit of annuity, incapacity or assurance benefit, other than a reserve unit or an excess unit referred to in section 24 is—

- (a) the value thereof determined as prescribed by this Act;
- or
- (b) the value determined in accordance with the provisions of the 1972 Act that provide for contributor's pension, incapacity pension or, as the case may be, benefits upon contributor's death payable pursuant to that Act, as if the contributor's salary as at 31 December 1972 were the contributor's final average salary, within the meaning of that Act, divided by the number specified in column 2 of Schedule I set opposite the fortnightly salary range, specified in column 1 of Schedule I, in which the contributor's salary fell as at 31 December 1972,

whichever is the greater.”.

47. Amendment of s. 45. Incapacity beneficiary restored to health may be recalled to service. Section 45 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

“(4) If at any time it appears to the Board that any person who is in receipt of incapacity pension—

- (a) engages in—
 - any business or occupation on his own account;
 - or
 - employment, not being employment by virtue whereof he is an officer receiving salary at least equal to the rate referred to in subsection (2);
- or
- (b) is in receipt of compensation under the *Workers' Compensation Act 1916-1983*,

the Board may suspend payment of the incapacity pension.

For the period for which payment of an incapacity pension is suspended under this subsection the person concerned shall not be entitled to or receive any incapacity pension from the Fund unless the Board directs that he be paid for that period or such part thereof as the Board determines, the whole of the incapacity pension or such part thereof as the Board considers reasonable.”.

48. Repeal of and new s. 47. Medical examination of officers. The Principal Act is amended by repealing section 47 and substituting the following section:—

“**47. Postponement of payment of refunds.** (1) Notwithstanding the provisions of section 38, 38A or 39, where a contributor,

before attaining the age for retirement, ceases to be an officer by reason of —

- (a) his resignation before attaining the age of 60 years;
 - (b) the termination of his employment as an officer before attaining the age of 60 years, otherwise than on account of misconduct;
 - (c) his becoming a person excepted from the Act by reason of the last paragraph of the definition “officer” in section 4;
- or
- (d) his being retired or permitted to retire on the ground of incapacity, where he has not satisfied the Board as required by section 43E,

and he makes an election pursuant to section 35 of the 1972 Act he shall by reason of his having made that election be deemed to have elected not to take from the Fund the sums referred to in sections 38, 38A and 39.

(2) Where an election is, pursuant to subsection (1), deemed to have been made there shall be credited in the Fund on account of the elector the amount of benefit to which the election is deemed to relate and an additional sum equal to 10 per centum of that amount for each year during which he has contributed to the Fund (but so that the additional sum does not exceed 250 per centum of that amount), until, subject to subsection (3)—

- (a) he attains the age of 60 years;
 - (b) he satisfies the Board that he suffers a permanent incapacity by reason whereof he is unfit to discharge or incapable of discharging duties as an officer efficiently;
 - (c) he informs the Board in writing that he no longer desires his election made under section 35 of the 1972 Act to operate;
- or
- (d) he dies,

whereupon the prescribed amount shall be paid to him or to his legal personal representative, as the case requires.

(3) Where a person who is deemed pursuant to subsection (1) to have elected as prescribed by that subsection again becomes a contributor the prescribed amount credited in the Fund on his account under this section shall be added to the prescribed amount credited in the Fund on his account under section 35 of the 1972 Act and shall be applied in the manner prescribed by that section.

(4) The term “prescribed amount” in subsections (2) and (3), so far as it relates to the amount that is to be paid pursuant

to subsection (2) or that is to be applied pursuant to subsection (3) means—

- (a) where the elector has informed the Board in writing that he no longer desires his election made under section 35 of the 1972 Act to operate, the sums which he would have been entitled to be paid from the Fund pursuant to sections 38, 38A and 39 had he not been deemed to have elected as prescribed by subsection (1) together with interest that has accrued to the Fund since the date on which the elector ceased to be an officer and that is properly attributable to those sums;
and
- (b) in any other case, the amount credited in the Fund on account of the elector pursuant to subsection (2), together with interest for the period since the date on which the elector ceased to be an officer calculated at the rate of interest earned by the Fund over that period.”.

49. Amendment of s. 73B. Voluntary contribution for annuity benefit or further annuity benefit. Section 73B of the Principal Act is amended in subsection (7) by—

(a) omitting from paragraph (a) the words “leaving a widow or children”;

(b) omitting the words “his personal representative” and substituting the words “his widow or, if there be no widow, his legal personal representative or other person approved by the Board”.

50. Amendment of Sch. IV and Sch. IVA. The Principal Act is amended in Schedules IV and IVA by omitting from the heading to the schedule in each case the words “for widows” and substituting in each case the words “in respect”.

PART IV — AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT 1970-1985

51. Citation. (1) In this Part the *Parliamentary Contributory Superannuation Act 1970-1985* 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 1970-1987*.

52. Amendment of s. 17. Members’ superannuation benefit. Section 17 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection;—

“(3) This subsection applies in relation to—

- (a) a member who has died while serving as a member and in respect of whom no entitlement under section 20, 20B, 21 or 22 has arisen;

and

- (b) a former member who has died and to whom section 18 (11) would have applied had he not died but had ceased to be a person referred to in that section.

Subject to this Act, the legal personal representative of a member or former member in relation to whom this subsection applies or other person approved by the trustees shall be entitled to be paid:

- (a) in the case of a member, a sum in accordance with the formula for A being the formula expressed—
 - (i) in paragraph (a) of section 20, where the member had not served for an aggregate period of eight years;
 - or
 - (ii) in paragraph (b) of section 20, where the member had served for an aggregate period of eight years;
 - or
- (b) in the case of a former member, a sum in accordance with the formula expressed in paragraph (c) of section 20 except that, for the purposes of this paragraph, the factor E therein represents a factor determined by an actuary and approved by the trustees having regard to the average age, at nearest birthday, of widows (be they female or male, as the case requires) of persons whose age, at nearest birthday, was or would have been that, at nearest birthday, of the former member at the date of his death.”.

53. Amendment of s. 21. Payments to children. Section 21 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “in their absolute discretion” and substituting the words “subject to this section”;

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

“(2) Subject to subsection (3), a payment from the Fund under subsection (1)—

- (a) where the widow of the person through whom the child’s benefit is derived is living, shall be at the rate of \$50 per fortnight, which shall be adjusted in accordance with the cost of living adjustment provided for in section 25A from and including the first pay-period that occurs wholly in August 1987;
- (b) in a case other than one to which paragraph (a) applies, where the person through whom the child’s benefit is derived was a member at the date of his death—
 - (i) in the case of payment for the benefit of one child only, shall be at the rate of pension under this Act (including any increase in the rate pursuant to this Act) that would be payable to the widow of that

person if the widow were living and entitled to such a pension;

- (ii) in the case of payment for the benefit of two or more children, shall be at the rate of pension under this Act (including any increase in the rate pursuant to this Act) that would have been payable to that person, being a person who had served as a member for an aggregate period of eleven years or more, had he ceased to be a member, other than by reason of death, on the date of his death;

or

shall be at the rate of pension under this Act (including any increase in the rate pursuant to this Act) that would have been payable to that person, being a person who had served as a member for less than an aggregate period of eleven years, had he ceased to be a member by reason of ill-health on the date of his death;

- (c) in a case other than one to which paragraph (a) applies, where the person through whom the child's benefit is derived had ceased to be a member before the date of his death—

- (i) in the case of payment for the benefit of one child only, shall be at the rate of pension under this Act (including any increase in the rate pursuant to this Act) that would be payable to the widow of that person if the widow were living and entitled to such a pension;

- (ii) in the case of payment for the benefit of two or more children—

where the person through whom the child's benefit is derived had been a new member, shall be at the rate of pension under this Act (including any increase in the rate pursuant to this Act) that was payable to that person at the date of his death;

where the person through whom the child's benefit is derived had been a member other than a new member, shall be at the rate of pension under this Act (including any increase in the rate pursuant to this Act) that was payable to that person at the date of his death or, if he had converted, pursuant to section 18, the whole or part of his pension entitlement to a lump sum, that would have been payable to that person at the date of his death if he had not so converted.”;

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

(3) Where by reason of the death of a member or a former member a payment is to be made under subsection (1) for the benefit of two or more children it shall be made for their benefit in equal shares.

(3A) Where by reason of the death of a member the only benefit derived through him is a child's benefit under subsection (1) arising on or after the passing of the *Superannuation Acts Amendment Act 1987* and the amount of benefit payable in respect of the child or, where there are more than one child who derive the benefit, in respect of all of them (disregarding for the purpose of calculating that amount any increase in the rate of pension payable since the time when the benefit arose) is less than the amount that would have been payable under section 20 to the widow of the member had he left a widow upon his death, there may be paid to such persons as are approved by the trustees, in equal shares if more than one, the difference between the two amounts hereinbefore referred to in this subsection.

(d) in subsection (5), omitting the words "and either" and substituting the words "to the widow of the former member,".

54. Amendment of s. 27. Annuity to widow's and female dependents payable or to become payable under repealed provisions. Section 27 of the Principal Act is amended by adding at the end thereof the following subsections:—

"(3) A former member's widow who before or after the passing of the *Superannuation Acts Amendment Act 1987* becomes entitled to an annuity payable under any of the provisions of the repealed Acts specified in the Schedule to this Act may within six months after the date on which entitlement to the annuity arises 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 of an amount determined by the Actuary and approved by the trustees.

(4) A person who makes an election under subsection (3) shall be entitled to receive the lump sum determined and approved in accordance with that subsection and from the date of payment of that lump sum the annuity entitlement of that person shall be reduced by the amount of that entitlement in respect of which the election is made."

PART V—AMENDMENT OF POLICE SUPERANNUATION ACT 1974-1985

55. Citation. (1) In this Part the *Police Superannuation Act 1974-1985* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Police Superannuation Act 1974-1987*.

56. Amendment of s. 2. Parts of Act. Section 2 of the Principal Act is amended by omitting the words "*Division II—Relicts' pension;*" and substituting the words "*Division II—Benefits upon Contributor's Death;*".

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

(a) omitting the words "This Act" and substituting the words "Subject to any provision of this Act that prescribes for the application of any provision of this Act, this Act";

(b) omitting the expression "." where it occurs at the end of paragraph (f) and substituting the expression ",".

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

(a) omitting from the note appearing in and at the beginning of the section the words "of terms";

(b) inserting after subsection (7) the following subsection:—

"(7A) Notwithstanding any other provision of this Act; where the employment of a contributor as a member ceases at any time after the contributor has attained an age that is within five years immediately preceding the day on which he would attain the age for retirement otherwise than by reason of his death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this Act, the contributor shall be deemed to have elected to retire at the time when the employment ceased."

59. Amendment of s. 19. Quinquennial investigation by Actuary. Section 19 of the Principal Act is amended in subsection (1) by omitting the word "periodically" and substituting the words "shall be undertaken and completed periodically as to the state and sufficiency of the Fund for the time being".

60. Amendment of s. 22. Commencement and cessation of contributions. Section 22 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

"(2) A member's contributions cease to be payable on the last day of the fortnightly pay-period last preceding the day on which—

he ceases to be a member;

he attains the age for retirement;

or

his service as a member, ascertained as prescribed by section 26, equals 42 years and 6 months,

whichever first occurs."

61. Amendment of s. 24A. Provision for female contributors to contribute for benefits under Divisions II and III of Part IV. Section

24A of the Principal Act is amended in subsection (1) by omitting the words “that Act” and substituting the words “the *Superannuation Acts Amendment Act 1987*”.

62. Amendment of s. 26. Calculation of service. Section 26 of the Principal Act is amended in paragraph (b) by omitting from subparagraph (iii) the words “forty-five years” where they twice occur and substituting in each case the words “42 years and 6 months”.

63. Amendment of s. 27. Rights of contributors. Section 27 of the Principal Act is amended by—

(a) in subsection (3), omitting the formula and substituting the following formula:—

$$“P = \frac{A \times 3B}{170} ;”$$

(b) in subsection (6AC),

(i) omitting provision (c) and substituting the following provision:—

“(c) elects to retire before his service, ascertained as prescribed by section 26, amounts to 42 years and 6 months,”;

(ii) omitting the formula and substituting the following formula:—

$$“P = A \left(\frac{3N}{170} \times \frac{M}{C} \right) ;”$$

(iii) omitting the definitions “M” and “C” and the word “and” appearing between those definitions and substituting the following definitions:—

“M represents the contributor’s length of service, expressed in years, as at the time of his retirement, not exceeding 42 years and 6 months;

C represents the length of service, expressed in years, which the contributor would have had if he had continued as a member until he attained the age for retirement, not exceeding 42 years and 6 months.”.

64. Amendment of s. 28. Rights of continuing contributors. Section 28 of the Principal Act is amended in subsection (3) by omitting the formula and substituting the following formula:—

$$“P = \frac{A \times 3B}{170} .”$$

65. New heading to Division II of Part IV. Relicts’ Benefits. The

Principal Act is amended by omitting the heading immediately preceding section 29 and substituting the following heading:—

“Division II—Benefits upon Contributor’s Death”.

66. Amendment of s. 29. Entitlement to benefit. Section 29 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “a relict of” and substituting the words “in respect of”;

(ii) inserting before the words “is entitled” the words “a relict of the contributor or, except in a case to which paragraph (b) of section 30 (3) applies, if there be no relict, the legal personal representative of the contributor or other person approved by the Board”;

(iii) omitting from subparagraph (i) firstly occurring the words “or, being one whose age for retirement is 65 years, had not attained the age of 60 years”;

(iv) omitting subparagraph (iii) where it twice occurs;

(v) omitting from subparagraph (ii) secondly occurring the words “or, being one whose age for retirement is 65 years, had attained the age of 60 years”.

(vi) adding at the end thereof, after the word “contributor”, the following expression and subparagraph:—

“; or

(iii) where the contributor is one whose age for retirement is 65 years, in accordance with the formula—

$$A = \frac{B \times C \times 3D}{170},$$

where—

A represents the amount payable;

B represents—

(i) in the case of a continuing contributor, the final average increase in salary of the contributor;

or

(ii) in the case of any other contributor, the final average salary of the contributor;

C represents—

(i) in the case of a contributor who had not attained the age of 60 years, the factor set forth in Schedule IVB;

or

- (ii) in the case of a contributor who had attained the age of 60 years, the factor set forth in Schedule IV E,

being in each case the factor opposite the age in years and complete months of the contributor as at the date of his or her death;

D represents—

- (i) in the case of a contributor who had not attained the age of 60 years, the length of service, expressed in years and ascertained as prescribed by section 26, which the contributor would have had if he or she had continued as a member until the age of 60 years and had thereupon died;

or

- (ii) in the case of a contributor who had attained the age of 60 years, the length of service, expressed in years and ascertained as prescribed by section 26, of the contributor as at the date of his or her death, not exceeding 42 years and 6 months”;

(b) in subsection (4), inserting after the words “the relict” the words “or other person”;

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

“(5) The term “relict” in this section shall be construed as a reference to a relict of a contributor or pensioner who dies on or after the commencement of section 40 of the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985*.

The benefit prescribed by subsection (1) to accrue in the absence of a relict of a contributor shall be taken to accrue only in respect of a contributor who dies on or after the passing of the *Superannuation Acts Amendment Act 1987*.

The term “pensioner” where it occurs in paragraph (a) of subsection (2) does not include a person who was retired or permitted to retire on the grounds of incapacity and has made an election under section 45.”.

67. Amendment of s. 30. Child’s pension: When payable. Section 30 of the Principal Act is amended by—

(a) in paragraph (a) of subsection (3),

(i) omitting the words “is or was entitled to a relict’s pension under this Act or to a payment under section 29B and”;

(ii) omitting the expression “\$16” and substituting the expression “\$50”;

(iii) omitting the words “September 1977” and substituting the words “August 1987”;

(b) in paragraph (b) of subsection (3),

(i) omitting all words from and including the words “including the case” to and including the expression “1979”;

(ii) omitting the Table and substituting the following Table:—

“
TABLE

one child	66.7 per centum
two or more children	100 per centum divided by the number of children in respect of each child:”

(iii) omitting the second proviso;

(c) adding at the end of subsection (3) the following paragraph:—

“The cases to which the provisions of this subsection apply includes the case of a child’s pension payable immediately before the passing of the *Superannuation Acts Amendment Act 1987*.”;

(d) in subsection (6), inserting after the expression “1984” the words “and before the passing of the *Superannuation Acts Amendment Act 1987*”;

(e) inserting after subsection (6) the following subsection:—

“(6A) 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 1987* and 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 (disregarding for the purpose of calculating that amount any increase in the rate of pension payable since the time when the entitlement arose) is less than the amount that would have been payable under section 29 to the relict of the person through whom the entitlement is derived, had he left a relict upon his death, there shall be paid to such persons as are approved by the Board, in equal shares if more than one, the difference between the two amounts hereinbefore referred to in this subsection.”.

68. Amendment of s. 31. Commencement and cessation of children’s pensions. Section 31 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(3) Where—

(a) a child’s pension has ceased pursuant to subsection (1) or (2);

and

(b) no amount has been paid in accordance with section 30 (6) or (6A);

and

- (c) the Board is satisfied that the child concerned is receiving full-time education at a school, college or university at any time before he has attained the age of 25 years,

the Board may re-instate the child's pension at the rate at which it would have been payable if it had not ceased, whereupon the pension shall be payable subject to subsection (2)."

69. 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) inserting after subsection (6) the following subsection:—

“(6A) Notwithstanding the provisions of subparagraph (iv) of paragraph (a) of subsection (5) or (6) where any of those provisions is to be applied in respect of a contributor whose length of service, expressed in years and ascertained as prescribed by section 26, is 42 years and 6 months at the least any factor prescribed by that provision to be used as a multiplier for the purposes of the provision (b) refers) shall be not less than the factor set forth in the second column of the Schedule prescribed by the provision opposite the age, in years and complete months, that was the contributor's age, in years and complete months, when his length of service (so ascertained) amounted to 42 years and 6 months.”;

- (b) in subsection (9), omitting all words from and including “235 times” to the end of the subsection and substituting the words “the amount that would have been payable from the Fund—

- (a) had the contributor died on the date of his or her retirement from employment as a member on the grounds of incapacity; and
- (b) 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 contribution to the Fund pursuant to section 24A, had the contributor increased the rate of her contribution to the Fund pursuant to that section,

less the amount of pension that he or she has been paid in respect of the period subsequent to the date of his or her retirement 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 thereupon ceases.”.

70. Amendment of Schs. IV, IVA, IVB, IVC, IVD and IVE. The Principal Act is amended in Schedules IV, IVA, IVB, IVC, IVD and IVE by omitting from the heading to the schedule in each case the word “relicts” and substituting in each case the words “benefits upon death”.

71. Interpretative declaration. It is hereby declared that the amendments provided for by section 37 of the *Superannuation (Public*

Employees Portability and Acts Amendment) Act 1985 relate and always have, since the commencement of that Act, related to section 26 of the *Police Superannuation Act 1974-1984* and not to section 37 of the last-mentioned Act as expressed in section 37 of the first-mentioned Act.

PART VI—AMENDMENT OF POLICE SUPERANNUATION ACT
1968-1985

72. Citation. (1) In this Part the *Police Superannuation Act 1968-1985* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Police Superannuation Act 1968-1987*.

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

(a) omitting the note appearing in and at the beginning of the section and substituting the note “**Interpretation**”;

(b) inserting after subsection (2) the following subsection:—

“(2A) Notwithstanding any other provision of this Act; where the employment of a contributor as a member of the Police Force ceases at any time after the contributor has attained an age that is within five years immediately preceding the day on which he or she would attain the age for retirement otherwise than by reason of his or her death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this Act, the contributor shall be deemed to have elected to retire at the time when the employment ceased.”.

74. Amendment of s. 22. Commencement of contributions. Section 22 of the Principal Act is amended in subsection (10) by inserting after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

75. Amendment of s. 28. Member reduced in salary. Section 28 of the Principal Act is amended by inserting after the words “per annum compound” the words “until the passing of the *Superannuation Acts*

Amendment Act 1987 and thereafter at the rate of five per centum per annum compound”.

76. Amendment of s. 30. Period for which contributions are to continue. Section 30 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) Except as prescribed by section 25, a member shall continue to contribute as prescribed to the Fund until the last day of the fortnightly pay-period last preceding the day on which—

he or she ceases to be a member;

he or she attains the age for retirement;

or

his or her service as a member, ascertained as prescribed by section 26 of the 1974 Act equals 42 years and 6 months,

whichever first occurs, and except as aforesaid, shall continue to pay contribution, as for a period of service, without reduction in respect of any period of leave or other absence from duty.”.

77. Amendment of s. 34. Contributor may discontinue contribution for reserve units. Section 34 of the Principal Act is amended by adding at the end thereof the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

78. Amendment of s. 35A. Payment of lump sum on ceasing to contribute. Section 35A of the Principal Act is amended in subsection (4) by inserting after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

79. Amendment of s. 41. Entitlement to assurance benefit. Section 41 of the Principal Act is amended by—

(a) in subsection (1), omitting the word “widow” and substituting the word “person”;

(b) in subsection (2)—

(i) omitting the words “every widow of”;

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

“(a) the widow of a contributor who dies before attaining the age for retirement or, except in a case to which paragraph (b) of section 44 (1) applies, if there be no widow, the legal personal representative of the contributor or other person approved by the Board;”;

(iii) inserting in paragraphs (b), (c) and (d) in each case before the words “a person” the words “the widow of”;

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

“(4) In paragraph (a) of subsection (2) reference to a legal personal representative or other person approved by the Board shall be construed as reference to such a representative of or other person so approved in respect of a contributor who dies on or after the passing of the *Superannuation Acts Amendment Act 1987*.”.

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

(a) in subsection (1),

(i) omitting from paragraph (a) the expression “\$16” and substituting the expression “\$50”;

(ii) omitting from paragraph (a) the words “September 1977” and substituting the words “August 1987”;

(iii) omitting from paragraph (b) the Table and substituting the following Table:—

TABLE	
one child	\$2.56 per fortnight
two or more children	\$3.84 per fortnight divided by the number of children in respect of each child.”;

(iv) omitting the second proviso to paragraph (b);

(b) in subsection (4), inserting after the expression “1984” the words “and before the passing of the *Superannuation Acts Amendment Act 1987*”;

(c) adding after subsection (4) the following subsection:—

“(5) Where by reason of the death of a contributor or a pensioner 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 1987* and the amount of benefit paid in respect of the child or, where there are more than one child who derive the entitlement, in respect of all of them (disregarding for the purpose of calculating that amount any increase in the rate of benefit payable since the time when the entitlement commenced) is less than the amount that would have been payable under section 41 to the widow of the person through whom the entitlement is derived, had he left a widow upon his death, there shall be paid to such persons as are approved by the Board, in equal shares if more than one, the difference between the two amounts hereinbefore referred to in this subsection.”.

81. Amendment of s. 46. Refunds of annuity benefit contributions.
Section 46 of the Principal Act is amended in subsection (1) by adding

after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

82. Amendment of s. 46A. Refunds of incapacity benefit contributions. Section 46A of the Principal Act is amended in subsection (1) by adding after the words “per annum compound” the words “until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound”.

83. Repeal of and new s. 47. Refund of assurance benefit contributions. The Principal Act is amended by repealing section 47 and substituting the following section:—

“**47. Refund of assurance benefit contributions.** If and when a person ceases to be a contributor before attaining the age for retirement other than by reason of—

his death;

his retirement from employment as a member on the ground of incapacity;

or

his retirement from employment as a member pursuant to an election referred to in section 37 (2)

he shall be paid from the Fund a sum equal to the aggregate of all amounts contributed by him to the Fund in respect of units of assurance benefit for which he was contributing accumulated at the rate of one and one-quarter per centum per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of five per centum per annum compound.”.

84. Amendment of s. 47C. Ascertainment of lump sum payable. Section 47C of the Principal Act is amended in subsection (4A) by inserting after the words “or (3A)” the words “or (3B)”.

85. Amendment of Schs. IV, IVA, IVB, IVC, IVD and IVE. The Principal Act is amended in Schedules IV, IVA, IVB, IVC, IVD and IVE by omitting from the heading to the schedule in each case the words “for widows” and substituting in each case the words “in respect”.