

Queensland



**SUPERANNUATION
LEGISLATION
AMENDMENT ACT (No. 2)
1995**

Act No. 53 of 1995

Queensland



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AMENDMENT ACT (No. 2) 1995**

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Queensland



**Superannuation Legislation Amendment Act
(No. 2) 1995**

Act No. 53 of 1995

An Act to amend certain Acts about superannuation

[Assented to 22 November 1995]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Superannuation Legislation Amendment Act (No. 2) 1995*.

PART 2—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT 1970

Act amended in pt 2

2. This part amends the *Parliamentary Contributory Superannuation Act 1970*.

Insertion of new pt 3A

3. After section 25B—

insert—

‘PART 3A—ELECTIONS TO SURRENDER POTENTIAL WIDOWS’ ENTITLEMENTS OF FORMER MEMBERS AND MARRIED WIDOWS’ ENTITLEMENTS

‘Definitions for pt 3A

‘25C. In this part—

“1984 Act” means the *Superannuation Acts Amendment Act 1984*.

“election day”, for a former member or married widow, means the day the member or widow makes an election to surrender.

“election to surrender” means an election to surrender—

- (a) a potential widow’s entitlement under section 25D;¹ or
- (b) a married widow’s entitlement under section 25E.²

“former member” means a person—

- (a) who ceased to be a member before 23 October 1983; and
- (b) whose pension entitlement under this Act, or part of it, was converted into a lump sum payment on an election made by the member under section 18.³

“lump sum percentage”, for a former member, means the percentage of the member’s entitlement the member received as a lump sum.

“married widow” means a person—

- (a) who—
 - (i) is the widow of a member who died before 23 October 1983; or
 - (ii) became the widow of a former member before the passing of the 1984 Act; and
- (b) whose pension under this Act had ceased before the passing of the 1984 Act because the widow remarried after becoming the member’s widow; and
- (c) who, before the commencement of this section, had not again become entitled to an annual pension under section 20C(1).⁴

“married widow’s entitlement”, for a married widow, means the annual pension the widow would be entitled to under section 20C(1) if that subsection were to apply to the widow on the election day.

¹ Section 25D (Election to surrender potential widow’s entitlement)

² Section 25E (Election to surrender married widow’s entitlement)

³ Section 18 (Right to convert entitlement to lump sum entitlement)

⁴ Section 20C (Provisions applicable to widow’s pension)

“potential widow”, of a former member, means the person who, on the member’s death, would become entitled to a benefit under this Act as the member’s widow or widower.

“potential widow’s entitlement”, for a former member’s potential widow, means the member’s lump sum percentage of the annual pension the potential widow would be entitled to under this Act if the member were to die on the election day.

‘Election to surrender potential widow’s entitlement

‘25D.(1) A former member may elect to surrender the potential widow’s entitlement of the member’s potential widow.

‘(2) To remove doubt, it is declared that the election may be made only if the former member and the member’s potential widow are alive on the member’s election day.

‘Election to surrender married widow’s entitlement

‘25E. A married widow may elect to surrender the widow’s married widow’s entitlement.

‘Making of election to surrender

‘25F.(1) An election to surrender must—

- (a) be made in writing to the trustees within 6 months after the commencement of this section; and
- (b) be accompanied by the documents (including documents verified by statutory declaration) the trustees reasonably require; and
- (c) if it is an election to surrender a potential widow’s entitlement—be accompanied by the potential widow’s written agreement to the surrender.

‘(2) The trustees may extend the period mentioned in subsection (1)(a) if the trustees are satisfied—

- (a) an election was not made within the period because—
 - (i) the former member or married widow was unaware of the

entitlement to make an election to surrender; or

(ii) of circumstances beyond the control of the former member or married widow; and

(b) it is just and equitable to allow the member or widow to make an election to surrender.

‘(3) An election to surrender is made when the documents mentioned in subsection (1) are received by the trustees.

‘Effect of surrender

‘**25G.(1)** On the making of an election to surrender a potential widow’s entitlement—

(a) the former member making the election is entitled to be paid an amount equal to 3 times the potential widow’s entitlement that would have been payable to the member’s potential widow had the member’s potential widow made an election under section 20A(1)⁵ for the whole of the potential widow’s entitlement; and

(b) sections 20⁶ and 20A cease to apply to the member’s potential widow for the potential widow’s entitlement that is surrendered.

‘(2) On the making of an election to surrender a married widow’s entitlement, the widow—

(a) is entitled to be paid an amount equal to 3 times the married widow’s entitlement for the widow; and

(b) is not entitled to be paid any other amount under this Act.

‘(3) Despite subsection (2)(b), interest is payable under section 32A⁷ on the amount paid under subsection (1) or (2).

⁵ Section 20A (Widow’s right to substitute pension for entitlement)

⁶ Section 20 (Benefit of widows of members other than continuing members)

⁷ Section 32A (Payment of interest on lump sum)

‘Application of Acts Interpretation Act 1954, s 20A, to part

‘25H. The *Acts Interpretation Act 1954*, section 20A⁸, applies to this part.

‘Expiry of division

‘25I. This part expires 1 year after it commences.’.

PART 3—AMENDMENT OF POLICE SUPERANNUATION ACT 1968

Act amended in pt 3

4. This part amends the *Police Superannuation Act 1968*.

Amendment of s 4 (Interpretation)

5. Section 4, definition “**medical practitioner**”—
omit.

Insertion of new pt 4, div 7

6. After section 55—
insert—

**‘Division 7—Elections to surrender potential widows’ entitlements of
pre-1984 members and married widows’ entitlements**

‘Definitions for div 7

‘56. In this division—

“1984 Act” means the *Superannuation Acts Amendment Act 1984*.

⁸ Section 20A (Repeal does not end saving, transitional or validating effect etc.)

“election day”, for a pre-1984 member or married widow, means the day the member or widow makes an election to surrender.

“election to surrender” means an election to surrender—

- (a) a potential widow’s entitlement under section 56A;⁹ or
- (b) a married widow’s entitlement under section 56B.¹⁰

“lump sum percentage”, for a pre-1984 member, means the percentage of the member’s entitlement the member received as a lump sum.

“married widow” means a person—

- (a) who—
 - (i) is the widow of a contributor who died before the passing of the 1984 Act; or
 - (ii) became the widow of a pre-1984 member before the passing of the 1984 Act; and
- (b) whose pension under this Act had ceased before the passing of the 1984 Act because the widow remarried after becoming the member’s widow; and
- (c) who, before the commencement of this section, had not again become entitled to a pension under section 42B(5).¹¹

“married widow’s entitlement”, for a married widow, means the fortnightly pension the widow would be entitled to under section 42B(5) if that subsection were to apply to the widow on the election day.

“pensioner” means a person receiving annuity benefit under this Act.

“potential widow”, of a pre-1984 member, means the person who, as the member’s widow, would become entitled to a benefit under this Act on the member’s death.

“potential widow’s entitlement”, for a pre-1984 member’s potential widow, means the member’s lump sum percentage of the fortnightly

⁹ Section 56A (Election to surrender potential widow’s entitlement)

¹⁰ Section 56B (Election to surrender married widow’s entitlement)

¹¹ Section 42B (Widow’s right to substitute pension for assurance benefit)

pension the potential widow would be entitled to under this Act if the member were to die on the election day.

“pre-1984 member” means a male former contributor or pensioner—

- (a) who attained the age for retirement or retired before the passing of the 1984 Act; and
- (b) whose annuity benefit under this Act, or part of it, was commuted for a lump sum payment on application made by the member under section 47A.¹²

‘Election to surrender potential widow’s entitlement

‘56A.(1) A pre-1984 member may elect to surrender the potential widow’s entitlement of the member’s potential widow.

‘(2) To remove doubt, it is declared that the election may be made only if the pre-1984 member and the member’s potential widow are alive on the member’s election day.

‘Election to surrender married widow’s entitlement

‘56B. A married widow may elect to surrender the widow’s married widow’s entitlement.

‘Making of election to surrender

‘56C.(1) An election to surrender must—

- (a) be made in writing to the board within 6 months after the commencement of this section; and
- (b) be accompanied by the documents (including documents verified by statutory declaration) the board reasonably requires; and
- (c) if it is an election to surrender a potential widow’s entitlement—be accompanied by the potential widow’s written agreement to the surrender.

¹² Section 47A (Application to commute)

‘(2) Despite section 73,¹³ the board may extend the period mentioned in subsection (1)(a) only if it is satisfied—

- (a) an election was not made within the period because—
 - (i) the pre-1984 member or married widow was unaware of the entitlement to make an election to surrender; or
 - (ii) of circumstances beyond the control of the pre-1984 member or married widow; and
- (b) it is just and equitable to allow the member or widow to make an election to surrender.

‘(3) An election to surrender is made when the documents mentioned in subsection (1) are received by the board.

‘Effect of surrender

‘56D.(1) On the making of an election to surrender a potential widow’s entitlement—

- (a) the pre-1984 member making the election is entitled to be paid an amount equal to 78 times the potential widow’s entitlement that would have been payable to the member’s potential widow had the member’s potential widow made an election under section 42B(1)¹⁴ for the whole of the potential widow’s entitlement; and
- (b) sections 41 to 42B¹⁵ cease to apply to the member’s potential widow for the potential widow’s entitlement that is surrendered.

‘(2) On the making of an election to surrender a married widow’s entitlement, the widow—

- (a) is entitled to be paid an amount equal to 78 times the married widow’s entitlement for the widow; and

¹³ Section 73 (Acceptance of election outside prescribed period)

¹⁴ Section 42B (Widow’s right to substitute pension for assurance benefit)

¹⁵ Section 41 (Entitlement to assurance benefit)
Section 42 (Units of assurance benefit)
Section 42A (Extent of assurance benefit)

(b) is not entitled to be paid any other amount under this Act.

‘(3) Despite subsection (2)(b), compound interest is payable on the amount paid under subsection (1) or (2) from the election day to the day of payment at the net earning rate of the fund.

‘Application of Acts Interpretation Act 1954, s 20A, to division

‘56E. The *Acts Interpretation Act 1954*, section 20A,¹⁶ applies to this division.

‘Expiry of division

‘56F. This division expires 1 year after it commences.’.

**PART 4—AMENDMENT OF POLICE
SUPERANNUATION ACT 1974**

Act amended in pt 4

7. This part amends the *Police Superannuation Act 1974*.

Insertion of new pt 4, div 8

8. After section 46—

insert—

*‘Division 8—Elections to surrender potential relicts’ entitlements of
pre-1984 members and married relicts’ entitlements*

‘Definitions for div 8

‘47. In this division—

¹⁶ Section 20A (Repeal does not end saving, transitional or validating effect etc.)

“1984 Act” means the *Superannuation Acts Amendment Act 1984*.

“election day”, for a pre-1984 member or married relict, means the day the member or relict makes an election to surrender.

“election to surrender” means an election to surrender—

- (a) a potential relict’s entitlement under section 47A;¹⁷ or
- (b) a married relict’s entitlement under section 47B.¹⁸

“lump sum percentage”, for a pre-1984 member, means the percentage of the member’s entitlement the member received as a lump sum.

“married relict” means a person—

- (a) who—
 - (i) is the relict of a contributor who died before the passing of the 1984 Act; or
 - (ii) became the relict of a pre-1984 member before the passing of the 1984 Act; and
- (b) whose pension under this Act had ceased before the passing of the 1984 Act because the relict remarried after becoming the member’s relict; and
- (c) who, before the commencement of this section, had not again become entitled to a pension under section 29A(6).¹⁹

“married relict’s entitlement”, for a married relict, means the fortnightly pension the relict would be entitled to under section 29A(6) if that subsection were to apply to the relict on the election day.

“potential relict”, of a pre-1984 member, means the person who, as the member’s relict, would become entitled to a benefit under this Act on the member’s death.

“potential relict’s entitlement”, for a pre-1984 member’s potential relict, means the member’s lump sum percentage of the fortnightly pension the potential relict would be entitled to under this Act if the member

¹⁷ Section 47A (Election to surrender potential relict’s entitlement)

¹⁸ Section 47B (Election to surrender married relict’s entitlement)

¹⁹ Section 29A (Relicts’ right to substitute pension for entitlement)

were to die on the election day.

“pre-1984 member” means a male former contributor or pensioner—

- (a) who attained the age for retirement or retired before the passing of the 1984 Act; and
- (b) whose pension entitlement under this Act, or part of it, was converted into a lump sum payment on an election made by the member under section 45.²⁰

‘Election to surrender potential relict’s entitlement

‘47A.(1) A pre-1984 member may elect to surrender the potential relict’s entitlement of the member’s potential relict.

‘(2) To remove doubt, it is declared that the election may be made only if the pre-1984 member and the member’s potential relict are alive on the member’s election day.

‘Election to surrender married relict’s entitlement

‘47B. A married relict may elect to surrender the relict’s married relict’s entitlement.

‘Making of election to surrender

‘47C.(1) An election to surrender must—

- (a) be made in writing to the board within 6 months after the commencement of this section; and
- (b) be accompanied by the documents (including documents verified by statutory declaration) the board reasonably requires; and
- (c) if it is an election to surrender a potential relict’s entitlement—be accompanied by the potential relict’s written agreement to the surrender.

‘(2) An election to surrender is made when the documents mentioned in subsection (1) are received by the board.

²⁰ Section 45 (Right of contributor to convert his pension into a lump sum)

‘Effect of surrender

‘47D.(1) On the making of an election to surrender a potential relict’s entitlement—

- (a) the pre-1984 member making the election is entitled to be paid an amount equal to 78 times the potential relict’s entitlement that would have been payable to the member’s potential relict had the member’s potential relict made an election under section 29A(1)²¹ for the whole of the potential relict’s entitlement; and
- (b) sections 29²² and 29A cease to apply to the member’s potential relict for the potential relict’s entitlement that is surrendered.

‘(2) On the making of an election to surrender a married relict’s entitlement, the relict—

- (a) is entitled to be paid an amount equal to 78 times the married relict’s entitlement for the relict; and
- (b) is not entitled to be paid any other amount under this Act.

‘(3) Despite subsection (2)(b), compound interest is payable on the amount paid under subsection (1) or (2) from the election day to the day of payment at the net earning rate of the fund.

‘Application of Acts Interpretation Act 1954, s 20A, to division

‘47E. The *Acts Interpretation Act 1954*, section 20A,²³ applies to this division.

‘Expiry of division

‘47F. This division expires 1 year after it commences.’.

²¹ Section 29A (Relic’s right to substitute pension for entitlement)

²² Section 29 (Entitlement to benefit)

²³ Section 20A (Repeal does not end saving, transitional or validating effect etc.)

PART 5—AMENDMENT OF PUBLIC SERVICE SUPERANNUATION ACT 1958

Act amended in pt 5

9. This part amends the *Public Service Superannuation Act 1958*.

Insertion of new pt 4, div 7

10. After section 47—

insert—

‘Division 7—Elections to surrender potential widows’ entitlements of pre-1984 members and married widows’ entitlements

‘Definitions in div 7

‘48. In this division—

“1984 Act” means the *Superannuation Acts Amendment Act 1984*.

“election day”, for a pre-1984 member or married widow, means the day the member or widow makes an election to surrender.

“election to surrender” means an election to surrender—

- (a) a potential widow’s entitlement under section 48A;²⁴ or
- (b) a married widow’s entitlement under section 48B.²⁵

“lump sum percentage”, for a pre-1984 member, means the percentage of the member’s entitlement the member received as a lump sum.

“married widow” means a person—

- (a) who—
 - (i) is the widow of a contributor who died before the passing of the 1984 Act; or

²⁴ Section 48A (Election to surrender potential widow’s entitlement)

²⁵ Section 48B (Election to surrender married widow’s entitlement)

- (ii) became the widow of a pre-1984 member before the passing of the 1984 Act; and
- (b) whose pension under this Act had ceased before the passing of the 1984 Act because the widow married or remarried after becoming the member's widow; and
- (c) who, before the commencement of this section, had not again become entitled to a pension under section 34B(5).²⁶

“married widow’s entitlement”, for a married widow, means the fortnightly pension the widow would be entitled to under section 34B(5) if that subsection were to apply to the widow on the election day.

“pensioner” means a person receiving annuity benefit under this Act.

“potential widow”, of a pre-1984 member, means the person who, as the member's widow, would become entitled to a benefit under this Act on the member's death.

“potential widow’s entitlement”, for a pre-1984 member's potential widow, means the member's lump sum percentage of the fortnightly pension the potential widow would be entitled to under this Act if the member were to die on the election day.

“pre-1984 member” means a male former contributor or pensioner—

- (a) who attained the age for retirement or retired before the passing of the 1984 Act; and
- (b) whose annuity benefit under this Act, or part of it, was converted into a lump sum payment on application made by the member under section 39A.²⁷

‘Election to surrender potential widow’s entitlement

‘48A.(1) A pre-1984 member may elect to surrender the potential widow's entitlement of the member's potential widow.

‘(2) To remove doubt, it is declared that the election may be made only if

²⁶ Section 34B (Widow's right to substitute pension for assurance benefit)

²⁷ Section 39A (Application to commute)

the pre-1984 member and the member's potential widow are alive on the member's election day.

'Election to surrender married widow's entitlement

'48B. A married widow may elect to surrender the widow's married widow's entitlement.

'Making of election to surrender

'48C.(1) An election to surrender must—

- (a) be made in writing to the board within 6 months after the commencement of this section; and
- (c) be accompanied by the documents (including documents verified by statutory declaration) the board reasonably requires; and
- (b) if it is an election to surrender a potential widow's entitlement—be accompanied by the potential widow's written agreement to the surrender.

'(2) Despite section 78,²⁸ the board may extend the period mentioned in subsection (1)(a) only if it is satisfied—

- (a) an election was not made within the period because—
 - (i) the pre-1984 member or married widow was unaware of the entitlement to make an election to surrender; or
 - (ii) of circumstances beyond the control of the pre-1984 member or married widow; and
- (b) it is just and equitable to allow the member or widow to make an election to surrender.

'(3) An election to surrender is made when the documents mentioned in subsection (1) are received by the board.

²⁸ Section 78 (Acceptance of election outside prescribed period)

‘Effect of surrender

‘48D.(1) On the making of an election to surrender a potential widow’s entitlement—

- (a) the pre-1984 member making the election is entitled to be paid an amount equal to 78 times the potential widow’s entitlement that would have been payable to the member’s potential widow had the member’s potential widow made an election under section 34B(1)²⁹ for the whole of the potential widow’s entitlement; and
- (b) sections 33 to 34B³⁰ cease to apply to the member’s potential widow for the potential widow’s entitlement that is surrendered.

‘(2) On the making of an election to surrender a married widow’s entitlement, the widow—

- (a) is entitled to be paid an amount equal to 78 times the married widow’s entitlement for the widow; and
- (b) is not entitled to be paid any other amount under this Act.

‘(3) Despite subsection (2)(b), compound interest is payable on the amount paid under subsection (1) or (2) from the election day to the day of payment at the net earning rate of the fund.

‘Application of Acts Interpretation Act 1954, s 20A, to division

‘48E. The *Acts Interpretation Act 1954*, section 20A,³¹ applies to this division.

‘Expiry of division

‘48F. This division expires 1 year after it commences.’.

²⁹ Section 34B (Widow’s right to substitute pension for assurance benefit)

³⁰ Section 33 (Entitlement to assurance benefit)
Section 34 (Units of assurance benefit)
Section 34A (Extent of assurance benefit)

³¹ Section 20A (Repeal does not end saving, transitional or validating effect etc.)

PART 6—AMENDMENT OF STATE SERVICE SUPERANNUATION ACT 1972

Act amended in pt 6

11. This part amends the *State Service Superannuation Act 1972*.

Insertion of new pt 4, div 7A

12. After section 48—

insert—

*‘Division 7A—Elections to surrender potential relicts’ entitlements of
pre-1984 members and married relicts’ entitlements*

‘Definitions for div 7A

‘48A. In this division—

“1984 Act” means the *Superannuation Acts Amendment Act 1984*.

“election day”, for a pre-1984 member or married relict, means the day the member or relict makes an election to surrender.

“election to surrender” means an election to surrender—

- (a) a potential relict’s entitlement under section 48B;³² or
- (b) a married relict’s entitlement under section 48C.³³

“lump sum percentage”, for a pre-1984 member, means the percentage of the member’s entitlement the member received as a lump sum.

“married relict” means a person—

- (a) who—
 - (i) is the relict of a contributor who died before the passing of the 1984 Act; or

³² Section 48B (Election to surrender potential relict’s entitlement)

³³ Section 48C (Election to surrender married relict’s entitlement)

- (ii) became the relict of a pre-1984 member before the passing of the 1984 Act; and
- (b) whose pension under this Act had ceased before the passing of the 1984 Act because the relict married or remarried after becoming the member's relict; and
- (c) who, before the commencement of this section, had not again become entitled to a pension under section 31A(6).³⁴

“married relict’s entitlement”, for a married relict, means the fortnightly pension the relict would be entitled to under section 31A(6) if that subsection were to apply to the relict on the election day.

“pre-1984 member” means a male former contributor or pensioner—

- (a) who attained the age for retirement or retired before the passing of the 1984 Act; and
- (b) whose pension entitlement under this Act, or part of it, was converted into a lump sum payment on an election made by the member under section 47.³⁵

“potential relict”, of a pre-1984 member, means the person who, as the member's relict, would become entitled to a benefit under this Act on the member's death.

“potential relict’s entitlement”, for a pre-1984 member's potential relict, means the member's lump sum percentage of the fortnightly pension the potential relict would be entitled to under this Act if the member were to die on the election day.

‘Election to surrender potential relict’s entitlement

‘48B.(1) A pre-1984 member may elect to surrender the potential relict's entitlement of the member's potential relict.

‘(2) To remove doubt, it is declared that the election may be made only if the pre-1984 member and the member's potential relict are alive on the member's election day.

³⁴ Section 31A (Relicts' right to substitute pension for entitlement)

³⁵ Section 47 (Right of contributor to convert his pension into a lump sum)

‘Election to surrender married relict’s entitlement

‘48C. A married relict may elect to surrender the relict’s married relict’s entitlement.

‘Making of election to surrender

‘48D.(1) An election to surrender must—

- (a) be made in writing to the board within 6 months after the commencement of this section; and
- (b) be accompanied by the documents (including documents verified by statutory declaration) the board reasonably requires; and
- (c) if it is an election to surrender a potential relict’s entitlement—be accompanied by the potential relict’s written agreement to the surrender.

‘(2) An election to surrender is made when the documents mentioned in subsection (1) are received by the board.

‘Effect of surrender

‘48E.(1) On the making of an election to surrender a potential relict’s entitlement—

- (a) the pre-1984 member making the election is entitled to be paid an amount equal to 78 times the potential relict’s entitlement that would have been payable to the member’s potential relict had the member’s potential relict made an election under section 31A(1)³⁶ for the whole of the potential relict’s entitlement; and
- (b) sections 31³⁷ and 31A cease to apply to the member’s potential relict for the potential relict’s entitlement that is surrendered.

‘(2) On the making of an election to surrender a married relict’s entitlement, the relict—

³⁶ Section 31A (Relicts’ right to substitute pension for entitlement)

³⁷ Section 31 (Entitlement to benefit)

- (a) is entitled to be paid an amount equal to 78 times the married relict's entitlement for the relict; and
- (b) is not entitled to be paid any other amount under this Act.

(3) Despite subsection (2)(b), compound interest is payable on the amount paid under subsection (1) or (2) from the election day to the day of payment at the net earning rate of the fund.

‘Application of Acts Interpretation Act 1954, s 20A, to division

48F. The *Acts Interpretation Act 1954*, section 20A,³⁸ applies to this division.

‘Expiry of division

48G. This division expires 1 year after it commences.’.

³⁸ Section 20A (Repeal does not end saving, transitional or validating effect etc.)