

Queensland



PUBLIC SERVICE SUPERANNUATION ACT 1958

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(includes amendments up to Act No. 75 of 1996)**

Warning—see last endnote for uncommenced amendments

Reprint No. 1A

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Information about this reprint

This Act is reprinted as at 9 April 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprint.**

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PUBLIC SERVICE SUPERANNUATION ACT 1958

[as amended by all amendments that commenced on or before 9 April 1997]

An Act to consolidate and amend the law relating to the provision of superannuation benefits for officers of the public service, to make provision for their families, and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Public Service Superannuation Act 1958*.

Interpretation

4.(1) In this Act—

“**actuary**” means a fellow or associate of the Institute of Actuaries (London), or a fellow or associate of the Faculty of Actuaries (Edinburgh), or any other person of whose actuarial knowledge and experience the Governor in Council approves.

“**age for retirement**” means the age of 65 years.

“**board**” means the State Service Superannuation Board constituted under the *State Service Superannuation Act 1972*.

“**contributor**” means an officer who contributes under this Act to the fund.

“**Crown**” means the Crown in right of the State, and without limiting the generality of the meaning thereof, includes any commission, commissioner, corporation, board, instrumentality or person representing the Crown in right of the State.

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“fund” means the State service superannuation fund preserved, continued in existence and established under the *State Service Superannuation Act 1972*.

“incapacity” means any mental or bodily infirmity by reason whereof an officer is unfit to discharge or incapable of discharging the duties of his or her office efficiently.

“involuntary termination of employment” means the termination of a contract of employment by the Crown or other authority (howsoever described) which employs a contributor without the consent of the contributor other than termination by dismissal on the ground of misconduct or incapacity or retrenchment in accordance with arrangements approved by the Governor in Council.

“manager” means the manager within the meaning of the *State Service Superannuation Act 1972*, section 4.

“net earning rate of the fund” means the rate of interest as determined by the board, from time to time, on the advice of the actuary which rate, at the time it is determined, reasonably reflects the after tax earnings of the fund (on a long-term basis) derived from the investment of contributors’ contributions to the fund, having regard to administrative costs of the fund, the costs of death and incapacity benefits and the charges incurred in the investment of those contributions.

“officer” means any person employed by or under the Crown, in the opinion of the board, in a permanent capacity, and includes any person employed by the University of Queensland in a permanent capacity who, under a regulation made under section 75, or the order in council dated 19 April 1928, made under the corresponding provisions of the repealed Act, is at the date of the passing of the *Public Service Superannuation Act Amendment Act 1960*, or on a date thereafter becomes, a contributor under this Act to the fund, and subject to the provisions of section 75A also includes—

- (a) any temporary employee (other than a married woman who is such an employee) employed full-time in the public service as defined by the *Public Service Act 1922* who has been so employed for not less than 1 year and, in relation to such employment, has been exempted by the Governor in Council upon the recommendation of the public service commissioner

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from the operation of the *Public Service Act 1922*, section 18(3)(v);

- (b) any person permanently employed full-time—
- (i) in the Queensland Rail under and within the meaning of the *Transport Infrastructure Act 1994*;
 - (iii) by the Queensland Health Education Council constituted under the *Health Act 1937*;
 - (iv) by the manager of the Golden Casket Art Union in the conduct and administration thereof;

but does not include a judge of the Supreme Court, or of a District Court, or a police officer, or a person or a member of any class of persons at any time when such person or, as the case may be, persons included in such class of persons is or are excepted from this Act by the Governor in Council under a regulation.

“person in receipt of benefit” means a person who is in receipt of annuity benefit or incapacity benefit under this Act and includes a person who, but for an election under section 39A, would be entitled to annuity benefit.

“repealed Act” means the *Public Service Superannuation Act 1912*.

“retired”, in relation to employment as an officer, means retired or required to retire from that employment by the public service commissioner or by the person or authority other than the public service commissioner thereunto authorised by law.

“salary” means the payment made to an officer by way of fixed remuneration for the officer’s services, unless otherwise determined by the Governor in Council on the recommendation of the public service commissioner, but does not include any sums paid to an officer by way of fees or allowances, except that in the case of officers employed as teachers the term includes any sum paid to any such officer as an allowance varying with the number of pupils attending the school in which such officer is employed.

“the 1972 Act” means the *State Service Superannuation Act 1972*.

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

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- (a) a woman who was legally married to the deceased person at the date of his death and, in the case of the death of a person in receipt of benefit, at the date of his attaining the age of 65 years or of his earlier final retirement;
- (b) a woman who was not legally married to the deceased person at the date of his death but who, for a continuous period of 3 years at the least immediately preceding that date terminated by the death or, in the case of the death of a person in receipt of benefit, for a continuous period of 3 years at the least immediately preceding the date of his attaining the age of 65 years or of his earlier final retirement, had ordinarily lived in a connubial relationship with him and who, in the opinion of the board, was wholly or substantially dependent on him at the date of his death.

(1A) Where a contributor makes an election as is mentioned in section 29(2)(d) to retire from employment as an officer before the day on which the contributor would attain the age for retirement and the contributor voluntarily resigns from employment by reason of such election the contributor shall be deemed for the purposes of this Act to have been retired from that employment.

(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 55 years otherwise than by reason of 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 employment at the time when the employment ceased.

(2) A reference in this Act to a period expressed in years shall, where appropriate, be read as including a reference to a period expressed in years together with a fraction of a year being a fraction consisting of a completed whole month or 2 or more such months.

PART 2—ADMINISTRATION

Triennial investigation by an actuary

19.(1) The board may, from time to time, upon the advice of the actuary, declare that there shall be payable in respect of all or any units of benefit under this Act or benefit under the repealed Act preserved and continued by this Act such additional amounts by way of bonuses as to the board shall seem meet.

(1A) Any such declaration may apply to a period of time or may apply without reference to a period of time.

(1B) The board may at any time upon the advice of the actuary cancel, alter, vary or otherwise modify any such declaration.

(1C) Any person entitled to any units of benefit under this Act or benefit under the repealed Act preserved and continued by this Act in respect whereof additional amounts by way of bonuses have been declared shall, whilst such declaration remains in force, be entitled in respect of such units to payment from the fund of additional sums in accordance with the declaration and not otherwise.

(2) Any reference in this Act or the repealed Act to the amount of a unit of benefit shall unless the context otherwise indicates or requires be taken to exclude any additional amount by way of bonus in respect of that unit.

PART 3—CONTRIBUTIONS

Division 1—Contributions by officers

Commencement of contributions

20.(1) Subject to this Act, every person who is an officer shall contribute to the fund as from the prescribed date and thereafter until the last day of the fortnightly pay-period preceding the day on which the officer attains the age of 65 years or employment as an officer sooner ceases.

Prescribed date

(2) In the case of an officer who was immediately prior to 1 April 1959, a contributor under the repealed Act, the prescribed date shall be 1 April 1959.

(2A) In the case of an officer to whom subsection (2) does not apply, the prescribed date shall be the first day of the periodical interval at which contributions to the fund are prescribed to be made next after the date when the board accepts the officer as a contributor.

Contributions to be paid periodically

(3) The contribution to be made by a contributor to the fund shall be payable periodically at such intervals as may be prescribed and shall be deducted from the salary payable to the contributor accordingly.

(3A) Until some other periodical interval is prescribed such contribution shall be payable by and be deducted from the salary of the contributor fortnightly.

(3B) All deductions made from the salaries of officers in respect of contributions to the fund shall be credited thereto.

(3C) Any amount of the contributions and additional payments prescribed by section 26(3) to be made by a contributor not paid by deduction from the contributor's salary as prescribed by subsections (3) and (3A) shall be paid in such manner as the manager directs and, if directed by the manager, may be deducted from the contributor's salary in addition to the deductions from the contributor's salary as prescribed by subsections (3) and (3A) 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.

(3D) Notwithstanding subsections (3) to (3C), the board may recover by action as for a debt any amount of the contributions or additional payments to be made by a contributor which is due and unpaid.

(3E) For the purposes of subsections (3C) and (3D), the amount of any unpaid contributions and additional payments shall be the aggregate of the amount thereof due and unpaid and of the interest thereon which would

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have accrued to the fund and the consolidated fund had the same been duly paid.

(4) Where the contributions and additional payments to be made by a contributor are in arrears to the extent prescribed as respects amount or time, or both, the board may determine all rights of the contributor to benefits under this Act, and thereupon shall pay to the contributor a sum equal to the aggregate of contributions and additional payments, whether paid or in arrears, payable by the contributor to the fund or the consolidated fund, to the date of such determination accumulated in respect only of contributions payable by the contributor to the fund at the rate of 1.25% per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound reduced by the aggregate of the amount of the arrears of contributions and additional payments and of the interest thereon which would have accrued to the fund or the consolidated fund (at the rate at which earnings would have accrued to the fund) had the same been duly paid.

(5) Where a person ceased to be an officer within the meaning of section 4 but before the expiration of 1 month after so ceasing again becomes such an officer, the person may, where the board so approves (whether subject to conditions or unconditionally) on the written application of that person, be permitted to contribute to the fund in respect of the period between so ceasing to be an officer and again becoming an officer and where with the approval of the board a person is permitted to contribute to the fund under this subsection that person shall, for the purposes of this Act be deemed to be and to have been an “officer” within the meaning of section 4 during the period in respect of which the person so contributes and this Act shall apply in relation to the person accordingly.

Division 2—Scale of units

Salary for the purposes of this division

21.(1) In this division—

“**salary**”, in relation to an officer, means the fortnightly salary of that officer.

(2) The fortnightly salary of an officer who is paid salary at a rate other than a fortnightly rate of salary shall be ascertained as prescribed.

(3) Different such prescriptions may be made in respect of officers included in different classes of officers.

Scale of units of annuity, incapacity, and, in the case of male officers, assurance benefits

22.(1) Subject to this Act, contributions by an officer shall be in respect of units of annuity, units of incapacity and, in the case of a male officer, units of assurance benefits as respectively defined by sections 30, 32 and 34, and the number of units of those benefits respectively in respect of which an officer shall contribute is the number specified in schedule 1, column 2 opposite to the salary group in which his or her salary falls.

(3) Where, at the time when an officer becomes a contributor, he or she has attained the age of 40 years, but is under the age of 60 years, he or she shall contribute to the fund—

- (a) unless he or she is entitled to elect and elects as prescribed by paragraph (b)—such a sum as will provide units of benefits to the number specified in schedule 1, column 2 opposite to the salary group within which his or her salary falls; or
- (b) if the sum specified in paragraph (a) exceeds the rate of 5% of his or her salary such sum (being a sum which will provide units of benefits to a number specified in column 2) not less than 5% of that salary and not exceeding the sum specified in paragraph (a) as he or she may, not later than 6 months after the date on which he or she becomes a contributor, elect to contribute.

(3A) Where, at the time when an officer is required to become a contributor, he or she has attained the age of 60 years, he or she may elect not to contribute to the fund or to contribute thereto such a sum (being a sum which will provide units of benefits to a number not exceeding the number specified in schedule 1, column 2 opposite to the salary group within which his or her salary falls) as he or she deems fit, but unless he or she elects to so contribute not later than 6 months after the date on which he or she is required by this Act to become a contributor, he or she shall not be entitled or required to contribute to the fund for any benefit whatsoever under this Act.

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(4) If the salary of a contributor is increased and, by reason of that increase, falls within a salary group in schedule 1, column 1 higher than the salary group in which it fell prior to the increase, the following provisions shall apply—

- (a) if the officer has attained the age of 40 years, but is under the age of 60 years, and is contributing for the number of units corresponding to the salary group within which his or her salary fell immediately prior to the increase—he or she shall increase the amount of his or her contribution to—
 - (i) unless he or she is entitled to elect and elects as prescribed by subparagraph (ii)—such a sum as will provide units of benefits to the number specified in column 2 opposite to the salary group within which his or her increased salary falls; or
 - (ii) if the sum specified in subparagraph (i) exceeds the rate of 5% of that increased salary—such sum (being a sum which will provide units of benefits to a number specified in column 2) not less than 5% of that increased salary and not exceeding the sum specified in subparagraph (i) as he or she may, not later than 6 months after the date on which his or her salary is increased, elect to contribute;
- (b) if the officer has attained the age of 40 years, but is under the age of 60 years, and is not contributing for the number of units corresponding to the salary group within which his or her salary fell immediately prior to the increase—he or she shall increase the amount of his or her contribution to—
 - (i) unless he or she is entitled to elect and elects as prescribed by subparagraph (ii)—such sum as will add to the number of units for which he or she is contributing the maximum number of additional units for which he or she could have contributed if he or she had been a contributor to whom paragraph (a) applies; or
 - (ii) if the sum specified in subparagraph (i) exceeds the rate of 5% of that increased salary—such sum (being a sum which will provide units of benefits to a number specified in column 2) not less than 5% of that increased salary and not

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exceeding the sum specified in subparagraph (i) as he or she may, not later than 6 months after the date on which his or her salary is increased, elect to contribute;

- (c) if the officer has attained the age of 60 years he or she may elect to increase the amount of his or her contribution to such a sum as will provide units of benefits under this Act to a number not exceeding the number specified in column 2 opposite to the salary group in which his or her increased salary falls, but unless he or she so elects not later than 6 months after the date on which his or her salary is increased, he or she shall not be entitled or required to increase his or her contribution by reason of such increase in salary;
- (ca) however, an officer to whom paragraph (c) applies shall not, in respect of any increase in salary, be entitled or permitted to increase the amount of his or her contribution so as to add to the number of units for which he or she was contributing immediately prior to that increase additional units in excess of the number prescribed in relation to that increase by such scale;
- (d) in all other cases—the contributor shall increase the amount of his or her contribution to such a sum as will provide units of benefits to the number specified in column 2 opposite to the salary group within which his or her increased salary falls.

(5) An officer who has attained the age of 40 years on 1 April 1959, to whom part 5 applies, may, when and so often as his or her salary is increased, elect as prescribed by subsection (4)(a) or (b), notwithstanding that the increased contribution in respect whereof he or she makes the election does not exceed a rate of 5% of his or her increased salary.

(5A) He or she may elect to make an increased contribution in respect of more units only of annuity benefit, or of incapacity benefit, or, in the case of a male contributor, of assurance benefit under this Act save that, as respects incapacity benefit or assurance benefit, a contributor shall not be entitled to elect to contribute for a number thereof greater than the total number of units of annuity benefit under this Act for which he or she contributes for the time being.

(6) Any increased contribution payable in pursuance of subsection (4)(a), (b) or (d) is payable as from the first day of the periodical interval at which

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contributions to the fund are prescribed to be made next after the date—

- (a) upon which the contributor's salary is increased; or
- (b) from which the contributor's salary is increased;

whichever is the later.

(7) Any increased contribution payable in pursuance of subsection (4)(c) and (ca) is payable as from the first day of the periodical interval at which contributions to the fund are prescribed to be made next after the date of the election.

(8) For the purposes of this division where the salary of an officer falls within the salary group, exceeding \$450.20 set out in schedule 1, column 1, the number ascertained in accordance with the formula in column 2 set opposite that salary group shall, with respect to that officer, be deemed to be the number specified in column 2 opposite to the salary group within which his or her salary falls.

(9) For the purposes of the application at any time in relation to a contributor of the formula in schedule 1, column 2 opposite to the salary group, exceeding \$450.20 in column 1—

“A” denotes the number of times (disregarding any fraction less than 1) by which the fortnightly salary of the contributor exceeds the sum of \$450.20 by the sum of \$6.38.

(10) For the purposes of contributions of officers in accordance with schedule 1 as inserted by the *Public Service Superannuation Act Amendment Act 1969*, the salary of every officer who is a contributor at the commencement of that Act shall be deemed increased on and from the date of that commencement from the maximum salary within the salary group in column 1 opposite to the number in column 2 that was the number specified in schedule 1, column 2 immediately before the commencement of the *Public Service Superannuation Act Amendment Act 1969* opposite to the salary group in which his or her salary fell immediately before the commencement of that Act and this Act shall apply accordingly.

When officer may voluntarily increase contribution

22A.(1) Any officer who is not contributing to the fund for units of benefits to the number thereof specified in schedule 1 opposite to the salary

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group within which his or her salary falls may, subject to this section, elect to increase the amount of his or her contribution.

(2) Such an election may be to contribute for any further number of units of benefits up to, but not exceeding, the difference between—

- (a) the number thereof specified in schedule 1 opposite to the salary group in which the salary of the officer making the election falls; and
- (b) the number thereof for which such officer is contributing;

but an officer shall not be entitled or permitted to increase, pursuant to such an election, the officer's contribution to the fund for incapacity benefit or assurance benefit to a number of units thereof in excess of the number or increased number of units of annuity benefit for which the officer is a contributor or, as the case may be, would become a contributor pursuant to such election.

(2A) An officer who has attained the age of 40 years on 1 April 1959 to whom part 5 applies may elect to make an increased contribution under this section in respect of more units only of annuity benefit, or of incapacity benefit, or, in the case of a male contributor, of assurance benefit under this Act save that, as respects incapacity benefit or assurance benefit, a contributor is not entitled to so elect to contribute that the number thereof for which he or she will be contributing as a result of the election is greater than the total number of units of annuity benefit under this Act for which he or she contributes for the time being.

(3) Unless exempted by the board therefrom an officer shall, before at any time increasing the amount of contribution to the fund under this section, be medically examined by a medical practitioner.

(4) An officer shall not at any time increase the amount of his or her contribution to the fund under this section if, after considering the report of the medical practitioner, the board is not satisfied that the health and physical condition of such officer are such as would justify the officer being then accepted as a contributor.

(4A) Where an officer who has attained the age of 40 years on 1 April 1959 to whom part 5 applies elects to increase his or her contribution pursuant to this section in respect of units of annuity benefit only he or she may elect in writing to do so without being medically examined by a

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medical practitioner in which case subsections (3) and (4) and section 67 do not apply to that election to increase his or her contribution in respect of units of annuity benefit only.

(4B) Section 26(2) shall not apply to contributions payable by an officer to the fund pursuant to his or her election under subsection (4A) and accordingly such contribution shall not be suspended during any period of sick leave.

(4C) In the case of any officer who, by reason of incapacity, is retired from employment as an officer before attaining the age of 65 years, section 29 does not apply in respect of units of annuity benefit for which he or she shall have contributed pursuant to an election under subsection (4A) unless the officer continues to contribute to the fund in accordance with such election, and subject to any arrangement approved by the board as to the payment of his or her contributions in advance, until he or she attains the age of 65 years, it being hereby declared that the officer may so continue.

(4D) If the officer to whom subsection (4C) applies notifies the board in writing of his or her intention to discontinue, or fails to continue, such contribution, section 38(1) shall apply with respect to the annuity benefit for which he or she shall have contributed pursuant to his or her election under subsection (4A).

(5) Any increased contribution under this section shall, subject to subsection (4), be payable as from the first day of the periodical interval at which contributions to the fund are prescribed to be made next after the date when the board accepts as a contributor under this section the officer making the election.

Power to board to exempt etc. from contributing

23.(1) According as the circumstances of any case in its opinion warrant, the board may exempt an officer wholly or partly from the requirement imposed upon the officer by this Act to contribute or at any time to increase the amount of the officer's contribution to the fund, or the board may defer (either for a period specified by it or without specifying any period) such requirement in respect of either such contribution or any increase in the amount thereof.

(2) When the board specifies the period for which it defers the contribution or any increased contribution required by this Act to be paid by

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an officer, then upon the expiration of that period (or of any extension thereof which it is hereby declared the board may grant) that officer shall, unless the board wholly or partly exempts the officer from so doing, pay to the fund the contribution or increased contribution then required in the officer's case by this Act.

(3) When the board does not specify the period for which it defers the contribution or any increased contribution required by this Act to be paid by an officer, the board may at any later time determine that deferment and thereupon, unless the board wholly or partly exempts the officer from so doing, the officer concerned shall pay to the fund the contribution or increased contribution then required in the officer's case by this Act.

(4) In the case of any officer (including an officer to whom subsection (2) or (3) applies) partly exempted by the board from making the contribution or any increased contribution required in the officer's case by this Act, the payment which the officer would be otherwise required to make shall be reduced by the amount of the exemption.

(5) Where a contributor satisfies the board that adequate provision has been made for himself, herself and his or her family, or that continued contributions for the number of units for which the contributor is contributing will cause the contributor undue hardship, or that for any other reason which the board deems adequate the contributor should be permitted to surrender units, the board may permit the contributor to surrender some or all of the units of benefits under this Act for which the contributor is contributing.

(6) The sum equal to the aggregate of all amounts paid by the contributor in respect of units of annuity benefit, incapacity benefit and assurance benefit surrendered under subsection (5) accumulated at the rate of 1.25% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound shall be paid to the contributor.

(7) The units surrendered by a contributor under subsection (5) shall be—

- (a) in a case where the contributor is contributing under section 22A, or that section as applied by section 73B, for units of benefit—those units if the contributor nominates those units as the units to be so surrendered;
- (b) in a case other than one referred to in paragraph (a)—those units

for which the contributor last began to contribute.

Officer reduced in salary

24.(1) Where the salary of a contributor has been reduced and by reason of that reduction falls within a salary group in schedule 1, column 1 lower than the salary group in which it would fall if it had not been reduced, the contributor may elect to reduce the number of units in respect of which he or she shall contribute to a number not being less than the number of units appropriate to the salary group to which his or her salary has been reduced, and the sum equal to the aggregate of all amounts paid by him or her in respect of units of annuity benefit, incapacity benefit and assurance benefit, in excess of the reduced number of units accumulated at the rate of 1.25% per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound shall be paid to him or her.

(2) A contributor electing under this section shall surrender first the unit or units for which he or she last began to contribute.

(3) The benefits (save the additional assurance benefit in respect of children) payable under this Act in respect of units respectively of annuity benefit, incapacity benefit and assurance benefit included in the number of units in excess of the number appropriate to the salary group to which the salary of a contributor has been reduced shall, whilst the unit continues to be a unit in excess of the number appropriate to the salary group in which the salary of the contributor falls for the time being, be reduced to 35% of the rates thereof which, save for this subsection, apply under this Act.

Units of benefits to be contributed for in equal numbers

25.(1) At all times units (including units to which division 3A applies) respectively of annuity benefit, incapacity benefit and, in the case of a male contributor, assurance benefit, shall be contributed for in equal numbers and accordingly a contributor shall not be allowed to contribute at any time for more units of one such benefit than of another.

(2) This section applies subject to section 22(5) and (5A), section 22A(2A) and (4A), section 27A(3), parts 5 and 5A.

Period for which contributions are to continue

26.(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—

- (a) he or she ceases to be an officer; or
- (b) he or she attains the age for retirement; or
- (c) 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.

(1A) Where absence from duty referred to in subsection (1), other than with leave of absence without salary by reason of incapacity, is for a continuous period of 14 days or more (whether or not working days) the officer shall, unless the officer elects pursuant to subsection (1B), in addition to continuing to contribute to the fund as provided by subsection (1) pay to the consolidated fund, in respect of the period of absence, contribution at the rate prescribed by section 52 of the 1972 Act in relation to contributions payable by prescribed persons or entities pursuant to that section.

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

- (a) contribution to the fund in respect of the contributor shall cease to be payable in respect of the period of absence; and
- (b) the board shall waive the payments to the consolidated fund that would be required by that subsection to be made by the contributor; and
- (c) the benefits to which the contributor or the contributor's dependants may become entitled under this Act shall be reduced by such amounts as are determined by the actuary and approved by the board.

(1C) The Governor in Council may waive the requirement under

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subsection (1A) to make payments to the consolidated fund either unconditionally or upon such terms and conditions as the Governor in Council determines, either in a particular case or in respect of a class of case, and such waiver shall be given effect.

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

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

- (a) shall, before commencing the period of absence, pay to the fund and to the consolidated fund the total amount of contributions and payments that the contributor is so required to pay; or
- (b) shall, before commencing the period of absence, make arrangements satisfactory to the board for payment of the total amount of contributions and payments that the contributor is so required to pay.

(4) Where a contributor to whom subsection (3) applies does not comply with subsection (3)(a) or (b) the benefits to which the contributor or the contributor's dependants may become entitled under this Act may be reduced by such amounts as are determined by the actuary and approved by the board.

Refund of excess contributions

26A. Where a contributor has paid to the fund contributions in excess of those prescribed by this Act, the board shall refund to the contributor such sum of money in respect of those contributions as is determined by the actuary and approved by the board.

Division 3—Scale of contributions by officers**Contributions according to scale graduated by age at commencement**

27.(1) The amount of contribution which shall be paid periodically by an officer in respect respectively of annuity, incapacity and, in the case of a male officer, assurance benefits, shall, except where otherwise provided in this Act, be based upon—

- (a) the number of units;
- (b) sex;
- (c) the age at which the officer commences to contribute for each unit.

(2) The amount of the contributions shall be ascertained—

- (a) with respect to units for which the officer commenced to contribute before the commencement of the *Public Service Superannuation Act Amendment Act 1969*, or for which the officer commences to contribute after that commencement by reason of section 22(10), in accordance with—
 - (i) in the case of male officers—schedule 2, part 1; and
 - (ii) in the case of female officers—schedule 2, part 2;
- (b) with respect to units for which the officer commences to contribute after the said commencement (save units for which the officer commences to contribute after that commencement by reason of section 22(10))—in accordance with schedule 2A.

(3) For the purpose of subsection (4)—

“hypothetical fortnightly contribution” means the fortnightly contribution, as at 1 January 1973, that would have been payable by a contributor in respect of the units of benefit (in this section called the **“said units of benefit”**) for which he or she is a contributor under this Act as at that date (including any units of whole life and endowment assurance, but excluding any units of benefit that were effected pursuant to section 22A after 1 October 1972 and any reserve units of benefit) if—

- (a) each (if any) of the said units of benefit that was taken-up

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pursuant to section 22A had been effected immediately before the date of its becoming a unit of benefit in respect of which an election might be made under the said section; and

- (b) each (if any) of the said units of benefit in respect of which any fortnightly contributions have been commuted by payment of a lump sum had not been so commuted;

but where neither paragraph (a) or (b) is applicable to the case in question means the fortnightly contribution as at 1 January 1973 that is payable by a contributor in respect of the said units of benefit.

(4) A contributor whose hypothetical fortnightly contribution exceeds the sum equal to 13% of his or her fortnightly salary as at 1 January 1973 may, by application in writing to the board prior to 1 March 1973, have the actual fortnightly contribution that he or she is paying as at that firstmentioned date in respect of the said units of benefit reduced by whichever is the lesser of—

- (a) the fortnightly contribution that is payable by the contributor as at the said 1 January; and
- (b) one-third of the excess of the hypothetical fortnightly contribution over the sum equal to 13% of such fortnightly salary.

(5) Any reduction in the actual fortnightly contribution under subsection (4) shall apply retrospectively from the first due date for the payment of the contributor's fortnightly contributions after 1 January 1973.

(6) Notwithstanding subsections (1) to (5), on and from the day that is the first payday in July 1988 for the contributor concerned the amount of a contributor's contributions payable in accordance with those provisions immediately before that day shall be reduced by 1.5% of the amount of salary to which the contributor was entitled as at 31 December 1972.

(7) In no case shall a contributor be entitled to a payment by reason of the reduction in the amount of contribution.

Division 3A—Reserve units of benefits**Contribution for reserve units**

27A.(1) A contributor who is contributing to the fund for units of benefits to the number thereof specified in schedule 1 opposite to the salary group within which his or her salary falls, may, from time to time, elect to contribute to the fund for 1 or more reserve units of benefits in accordance with this division.

(2) The number of reserve units respectively of annuity benefit, incapacity benefit and, in the case of a male contributor, assurance benefit for which a contributor may elect to contribute at any time pursuant to subsection (1) together with the number of reserve units in respect of which he or she has already made an election under that subsection shall not exceed 12.

(3) An officer—

- (a) who has attained the age of 40 years on 1 April 1959 to whom part 5 applies; or
- (b) who is a contributor to the fund under part 5A;

may elect to contribute pursuant to this division for reserve units of annuity benefit only.

(4) Contributions for a reserve unit of benefit—

- (a) shall be—
 - (i) with respect to units for which the officer commenced to contribute before the commencement of the *Public Service Superannuation Act Amendment Act 1969*, in accordance with—
 - (A) in the case of male officers—schedule 2, part 1; and
 - (B) in the case of female officers—schedule 2, part 2;
 - (ii) with respect to units for which the officer commences to contribute after the said commencement—in accordance with schedule 2A; and
- (b) shall be payable as from the first day of the periodical interval at which contributions to the fund are prescribed to be made next

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after the date when the board accepts the contributor's election to contribute for that reserve unit of benefit.

(5) Unless exempted by the board therefrom an officer shall, before at any time contributing or increasing the amount of his or her contribution for reserve units of benefits under this division, be medically examined by a medical practitioner.

(6) An officer shall not at any time increase under this division the amount of his or her contributions to the fund if after considering the report of the medical practitioner, the board is not satisfied that the health and physical condition of such officer are such as would justify his or her being then accepted as a contributor.

When reserve units become ordinary units of benefits

27B. Where a contributor—

- (a) who is contributing for 1 or more reserve units of benefits pursuant to this division; and
- (b) who becomes required or entitled to contribute for additional units of benefits under the provisions of this Act (other than this division);

does not increase the amount of his or her contributions to the fund by such sum as is sufficient to provide, in accordance with schedule 2 applicable to the particular case, the additional units of benefits, such number of reserve units of benefits up to but not exceeding the number of such units for which he or she is contributing pursuant to this division as is equal to the difference between—

- (c) the number of units of benefits specified in schedule 1 opposite to the salary group within which the contributor's salary falls; and
- (d) the number thereof (other than reserve units of benefits) for which such officer is contributing;

shall cease to be reserve units of benefits to which this division applies and shall become units of benefits for which the contributor is contributing under the provisions of this Act (other than this division) the contribution for which shall continue to be the contribution the contributor was making to the fund therefor immediately before the units of benefits so ceased to be

reserve units.

Contributor may discontinue contribution for reserve units

27C.(1) Subject to subsection (2) a contributor who is contributing for 1 or more reserve units of benefit may, subject to section 25, elect to discontinue his or her contributions in respect of any or all of those units, in which case he or she shall be paid from the fund the sum equal to the aggregate of all amounts paid by him or her in respect of units of annuity benefit, incapacity benefit and assurance benefit for which he or she has so elected to discontinue his or her contributions accumulated at the rate of 1.25% per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound.

(2) A contributor shall not make an election pursuant to subsection (1) if the effect of that election is that the contributor thereafter contributes for a number of units (including reserve units) of annuity benefit that is less than the number of units (including reserve units) respectively of incapacity benefit or assurance benefit for which he or she then contributes.

Benefits payable on reserve units

27D.(1) Where a contributor contributes for reserve units of benefit pursuant to this division the benefits payable under this Act in respect of all reserve units respectively of annuity benefit, incapacity benefit and assurance benefit for which the contributor is contributing for the time being (but not including units of such benefit which have ceased pursuant to section 27B to be reserve units of benefits) shall, whilst they continue to be reserve units, be 35% of the rates thereof which would apply under this Act if those reserve units were units of benefit for which the contributor was contributing within the number appropriate to the salary group in which the salary of the contributor falls for the time being.

(2) In the case of a contributor who is continued in his or her employment as an officer after attaining the age of 65 years, benefits payable in respect of reserve units of annuity shall be payable to the contributor on attaining the age of 65 years and shall be at the same rate as that to which the contributor would be entitled if the contributor had ceased

to be an officer on attaining the age of 65 years.

Payment of lump sum on ceasing to contribute

27E.(1) A contributor who is contributing for 1 or more reserve units of benefit pursuant to this division who ceases to be a contributor for that—

- (a) he or she was retired by reason of incapacity from his or her employment as an officer before attaining the age of 65 years;
- (b) the contributor voluntarily resigned from his or her employment as an officer after attaining the age of 60 years but before attaining the age of 65 years;
- (c) he or she attained the age of 65 years;

shall be entitled, subject in the case of a person referred to in paragraph (a) to his or her satisfying the board as required by section 43E, by notice in writing lodged with the board to elect to be paid, in respect of all or any of the number of reserve units of annuity benefit and—

- (d) in the case of a male contributor—assurance benefit; and
- (e) in the case of a contributor to whom paragraph (a) applies—incapacity benefit;

in respect of which but for the election he or she would be entitled to receive benefit pursuant to section 27D, the sum prescribed by this section.

(2) Notice of election under subsection (1) shall be lodged with the board—

- (a) in the case of a contributor retired by reason of incapacity from his or her employment before attaining the age of 65 years—before the expiration of a period of 1 month commencing on the date of retirement; and
- (b) in the case of an officer who voluntarily resigns from his or her employment after he or she has attained the age of 60 years but before attaining the age of 65 years—before the expiration of a period of 1 month commencing on the date on which his or her resignation takes effect; and
- (c) in any other case—before the expiration of a period of 1 month commencing on the date on which the contributor attains the age

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of 65 years.

(3) Where a contributor who is contributing pursuant to this division for 1 or more reserve units respectively of annuity benefit, incapacity benefit and assurance benefit ceases to be a contributor for a reason other than a reason specified in subsection (1) there shall be paid to him or her, or, if he or she has died, to his or her personal representative or other person approved by the board from the fund the sum prescribed by this section in respect of all reserve units respectively of annuity benefit, incapacity benefit and, save where the contributor ceases to be a contributor by reason of death before attaining the age of 65 years leaving the contributor surviving a widow, assurance benefit for which he or she was contributing to the fund pursuant to this division at the time when he or she ceased to be a contributor (but not including units of such benefit which have ceased pursuant to section 27B to be reserve units of benefits).

(4) The sum to be paid in respect of the number of reserve units of the benefits in question ascertained in accordance with subsections (1) to (3) shall be equal to—

- (a) in the case of a contributor who ceased to be a contributor on account of death or retirement by reason of incapacity or voluntary resignation in terms of section 77A or attainment of the age of 65 years—such amount as is determined by the actuary appointed pursuant to this Act and approved by the board; and
- (b) in any case to which paragraph (a) does not apply—the aggregate of all amounts (accumulated at the rate of 1.25% per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of 5% per annum compound) contributed by the contributor in question in respect of such number of reserve units of annuity benefit, incapacity benefit and assurance benefit.

(5) Upon payment of the sum specified in subsection (4) all reserve units of benefit in respect of which the sum is paid shall be deemed to have been commuted by the contributor.

Division 4—Payments by the Crown**Amount of contribution by the Crown**

28.(1) In respect of each unit of annuity benefit, or of incapacity benefit, or of assurance benefit, and in respect of all additional assurance benefits, paid from the fund, the Crown shall pay a sum equal to 65% of the payment so made where the entitlement to such payment arose before the commencement of the *State Service Superannuation Act 1972* or the entitlement to such payment is derived from a person whose entitlement to annuity benefit or incapacity benefit arose before the said commencement or a sum equal to—

- (a) five-sevenths of the payment so made; or
- (b) such other sum as the Treasurer on the advice of the actuary may determine;

where the entitlement to such payment arose after the said commencement and is not derived from a person whose entitlement to annuity benefit or incapacity benefit arose before the said commencement.

(1A) This section does not apply in respect of—

- (a) any payment of annuity benefit, to which section 30(2) or section 55 applies; or
- (b) any payment of incapacity benefit to which section 56 applies; or
- (c) any payment prescribed by part 4, division 5 (other than section 37); or
- (d) any payment of annuity benefit, incapacity benefit or assurance benefit to which section 27D applies.

(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 section 47(4)(b), 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 section 47(4)(b) in respect of that additional sum.

PART 4—BENEFITS AND PAYMENTS

Division 1—Annuity benefit

When entitlement to annuity benefit accrues

29.(1) Every contributor to whom this section applies shall be entitled to annuity benefit on attaining the age of 65 years or, in the case of a contributor who makes an election as is mentioned in subsection (2)(d) to retire before the day on which the contributor would attain the age for retirement, on retirement.

(2) This section applies to every contributor—

- (a) who, by reason of incapacity, is retired from his or her employment as an officer before attaining the age of 65 years and is receiving an incapacity benefit immediately before attaining that age; or
- (b) who is retired or permitted to retire from his or her employment as an officer on attaining the age of 65 years; or
- (c) who is continued in his or her employment as an officer after attaining the age of 65 years; or
- (d) who after the commencement of the *Superannuation Acts Amendment Act 1974 (No. 2)*, part 3, elects to retire at any time within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement.

Units of annuity benefit

30.(1) Subject to subsections (2) and (3) and to part 5, division 5, the unit of annuity benefit is at the rate of \$3.84 per fortnight.

(2) In respect of a contributor who is continued in his or her employment as an officer after attaining the age of 65 years the unit of annuity benefit is at the rate of \$1.34 per fortnight whilst he or she is so continued.

(3) Where a contributor to whom section 29 applies makes after the commencement of the *Superannuation Acts Amendment Act (No. 2) 1974*, part 3, an election as is mentioned in section 29(2)(d) to retire before the day

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on which the contributor would attain the age for retirement, the unit of annuity benefit is at the rate per fortnight ascertained in accordance with the formula—

$$R = 3.84 \left(1 - \frac{t}{45} \right)$$

(3A) In subsection (3)—

“R” means the fortnightly rate expressed in dollars to the nearest cent of each unit of benefit.

“t” means the remainder obtained by subtracting from 65 the contributor’s age (expressed in years and complete months) as at the date of retirement.

Amount of annuity benefit

(4) Subject to this Act, a contributor shall be entitled to receive annuity benefit according to the number of units for which he or she was contributing on attaining the age of 65 years or, in the case of a contributor retired, by reason of incapacity or an election as is mentioned in section 29(2)(d), from his or her employment as an officer before attaining that age, the number of units for which he or she was contributing when so retired.

Division 2—Incapacity benefit

When entitlement to incapacity benefit accrues

31.(1) Save as otherwise prescribed by subsections (3) to (5) and by section 32A, every contributor to whom this section applies shall be entitled to incapacity benefit for the period prescribed in his or her case by this section.

(2) This section applies to every contributor or person—

- (a) in respect of any period of such sick leave of absence without salary exceeding 2 weeks not including the first 2 weeks thereof, by reason of incapacity, from his or her employment as an officer, being such a period approved by the person or authority thereunto authorised by law; or
- (b) if retired—by reason of incapacity, from his or her employment

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as an officer, in respect of the period from his or her retirement and thereafter, subject to the continuance of incapacity, until he or she attains the age of 65 years, or until his or her re-employment as an officer, whichever occurs first;

and in either case subject to the contributor or person in question satisfying the board as required by section 43E.

(3) A person shall not be entitled to incapacity benefit under this Act in respect of incapacity due to wilful action on the part of such person for the obtaining of such benefit.

(4) If by reason of incapacity to which this subsection applies a contributor is retired from employment as an officer, he or she shall be entitled to be paid the sum equal to the aggregate of all amounts paid by him or her in respect of units of annuity benefit, incapacity benefit and assurance benefit under this Act accumulated at the rate of 1.25% per annum compound, and, in the case of a contributor to whom part 5 applies, the surrender value in respect of contributions paid by him or her to the fund for assurance benefit under and within the meaning of the repealed Act but, save such payment, such retirement shall determine all his or her right and interest in respect of benefits for which he or she was a contributor.

(5) A contributor or person shall not continue to receive incapacity benefit under this Act in respect of any incapacity after recovering therefrom, it being hereby declared that upon recovery the entitlement to the benefit shall cease and determine.

Units of incapacity benefit

32.(1) Subject to part 5, division 5, the unit of incapacity benefit is at the rate of \$3.84 per fortnight.

(3) Subject to this Act, a contributor shall be entitled to receive incapacity benefit according to the number of units for which he or she is contributing at the commencement of any period of sick leave of absence without salary in respect of which he or she is entitled to incapacity benefit, or when he or she is retired, by reason of incapacity, from his or her employment as an officer, as the case may be.

Application to commute incapacity benefit

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

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

(3) An application under subsection (1)—

- (a) shall be made, subject to subsection (5), before the expiration of a period of 6 months after the date on which the entitlement to the incapacity benefit arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire; and
- (b) shall be effective only if, in the board's opinion, the applicant is medically competent to make the application; and
- (c) shall be made in respect of all the units of incapacity benefit including any excess units to which section 56 applies and any reserve unit of incapacity benefit for which he or she contributed other than a reserve unit of incapacity benefit in respect of which he or she has elected to receive payment of the sum prescribed by section 27E.

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

(5) Where at the passing of the *Superannuation Acts Amendment Act 1984* a person who has been retired or permitted to retire from employment

as an officer by reason of incapacity is not entitled to payment of an incapacity benefit but subsequently becomes so entitled he or she may make an application under subsection (1) before the expiration of 3 months after he or she subsequently becomes so entitled and thereupon subsection (4) shall apply in respect of him or her.

Division 3—Assurance benefit

Entitlement to assurance benefit

33.(1) Every person to whom this section applies is entitled to the payment of a lump sum by way of assurance benefit.

(2) Subsection (1) applies to—

- (a) the widow of a contributor who dies before attaining the age for retirement or, except in a case to which section 36(1)(b) applies, if there be no widow, the legal personal representative of the contributor or other person approved by the board;
- (b) the widow of a person who was in receipt of annuity benefit under this Act immediately before his death, if her marriage to him had occurred before or her connubial relationship with him had subsisted for a continuous period of 3 years at least immediately preceding—
 - (i) where he had attained the age for retirement—that age; or
 - (ii) where he had been, by reason of incapacity, retired from his employment as an officer before he attained the age for retirement or he had retired pursuant to an election referred to in section 29(2)(d)—such retirement;
- (c) the widow of a person who, having before the passing of the *Superannuation Acts Amendment Act 1984* attained the age for retirement or retired pursuant to an election referred to in section 29(2)(d), has commuted (pursuant to division 5A or part 5, division 14) for a lump sum the whole of the annuity benefit to which he was entitled under this Act, if her marriage to him had occurred before or her connubial relationship with him had subsisted for a continuous period of 3 years at least

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immediately preceding—

- (i) where he had attained the age for retirement—that age;
 - (ii) where he had been, by reason of incapacity, retired from his employment as an officer before he attained the age for retirement or he had retired pursuant to an election referred to in section 29(2)(d)—such retirement;
- (d) the widow of a person retired by reason of incapacity from his employment as an officer who at the date of his death was entitled to or, but for the operation of section 45(4) and (5), would have been entitled to an incapacity benefit under this Act and who dies before attaining the age for retirement, if her marriage to him had occurred before or her connubial relationship with him had subsisted for a continuous period of 3 years at least immediately preceding such retirement.

(3) In this section reference to a widow shall be construed as reference to a widow of a person who dies on or after the coming into operation of this section.

(4) In subsection (2)(a) 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*.

Units of assurance benefit

34. The value of a unit of assurance benefit shall be ascertained—

- (a) where entitlement thereto is derived through a contributor who dies in service before attaining the age of 60 years—in accordance with schedule 4;
- (b) where entitlement thereto is derived through a contributor who dies in service upon or after attaining the age of 60 years but before attaining the age of 65 years—in accordance with schedule 4A;
- (c) where entitlement thereto is derived through a person who immediately before his death was entitled to a pension under this

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Act or who, but for the operation of section 45(4), or an application under section 39A, would be entitled to a pension under this Act, other than a person who has retired pursuant to an election referred to in section 29(2)(d)—in accordance with the formula—

$$A = \frac{B \times C}{D}$$

where—

“A” means the amount payable in respect of each unit of benefit, expressed in dollars and cents to the nearest cent.

“B” means the factor set forth in schedule 4B opposite the age of the widow at nearest birthday as at the date of her husband’s death.

“C” means the fortnightly amount of the pension to which the person through whom the entitlement is derived was, immediately before his death, entitled under this Act or, as the case may be, would have been entitled under this Act but for the operation of section 45(4) and (5) or an application under section 39A.

“D” means the fortnightly amount of pension to which the person through whom the entitlement is derived became entitled upon his retirement;

(d) where entitlement thereto is derived through a person who retired pursuant to an election referred to in section 29(2)(d)—in accordance with the formula—

(i) where the retirement occurred on or after 30 October 1974 and before 1 April 1978—

$$A = \frac{B \times C \times (1 - 0.06 t)}{D}$$

or

(ii) where the retirement occurred on or after 1 April 1978—

$$A = \frac{B \times C \times (1 - t/45)}{D}$$

where—

“A” means the amount payable in respect of each unit of benefit expressed in dollars and cents to the nearest cent.

“**B**” means the factor set forth in schedule 4B opposite the age of the widow at nearest birthday as at the date of her husband’s death.

“**C**” means the fortnightly amount of pension to which the person through whom the entitlement is derived was, immediately before his death, entitled under this Act or, as the case may be, would have been entitled under this Act but for an application under section 39A.

“**D**” means the fortnightly amount of pension to which the person through whom the entitlement is derived became entitled upon his retirement.

“**t**” means the remainder obtained by subtracting from 65 the age (expressed in years and complete months) as at the date of his retirement of the person through whom the entitlement is derived.

Extent of assurance benefit

34A.(1) Subject to this Act, a widow to whom section 33 applies is entitled to receive assurance benefit according to the number of units for which the person through whom the entitlement is derived was contributing immediately before he ceased to be a contributor.

(2) Where a person who, on or after the passing of the *Superannuation Acts Amendment Act 1984*, attains the age for retirement or retires pursuant to an election referred to in section 29(2)(d) and has commuted (pursuant to division 5A or part 5, division 14) for a lump sum the whole or a part of the annuity benefit to which he became entitled under this Act, his widow is not entitled to receive assurance benefit in respect of the number of units of assurance benefit equal to the number of units of annuity benefit that have been commuted.

(3) Where a contributor or pensioner dies and is survived by more than 1 widow, the amount payable under this section is that which would be payable if there were but 1 widow and the amount is payable to those widows in such proportions as the board determines having regard to their respective needs and to such other matters as it considers relevant.

Widow’s right to substitute pension for assurance benefit

34B.(1) Subject to this section, a widow to whom section 33(1) applies may elect not to receive assurance benefit for 1 or more units of assurance

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benefit but to receive in lieu thereof a widow's pension.

(2) The rate of widow's pension for each unit of assurance benefit to which the election relates shall be \$2.56 per fortnight except in the following cases—

- (a) where the value of each unit of assurance benefit to which the widow is entitled is ascertained as prescribed by section 34(c)—the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

$$R = \frac{2.56 \times A}{B}$$

where—

“A” means the fortnightly amount of pension to which the person through whom the widow's entitlement is derived was immediately before his death entitled under this Act or would have been entitled under this Act but for the operation of section 45(4) and (5) or an application under section 39A.

“B” means the fortnightly amount of pension to which the person through whom the widow's entitlement is derived became entitled upon his retirement.

“R” means the fortnightly rate of pension for each unit of assurance benefit, expressed in dollars and cents to the nearest cent;

- (b) where the value of each unit of assurance benefit to which the widow is entitled is ascertained as prescribed by section 34(d)—the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

- (i) where the retirement of the person through whom the widow's entitlement is derived occurred on or after 30 October 1974 and before 1 April 1978—

$$R = \frac{2.56 \times A \times (1 - 0.06 t)}{B}$$

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- (ii) where the retirement of the person through whom the widow's entitlement is derived occurred on or after 1 April 1978—

$$R = \frac{2.56 \times A \times (1 - t/45)}{B}$$

where—

“**A**” means the fortnightly amount of pension to which the person through whom the widow's entitlement is derived was, immediately before his death, entitled under this Act or would have been entitled under this Act but for an application under section 39A.

“**B**” means the fortnightly amount of pension to which the person through whom the widow's entitlement is derived became entitled upon his retirement.

“**R**” means the fortnightly rate of pension for each unit of assurance benefit, expressed in dollars and cents to the nearest cent.

“**t**” means the remainder obtained by subtracting from 65 the age (expressed in years and complete months) as at the date of his retirement of the person through whom the widow's entitlement is derived.

(3) An election under subsection (1)—

- (a) shall be in writing; and
- (b) shall be made within 6 months after the date on which the entitlement to the assurance benefit arises; and
- (c) shall specify the number of units of assurance benefit in respect of which the elector desires to substitute a widow's pension.

(4) A widow's pension under this Act ceases to be payable under this Act if she remarries or marries.

(5) Where a person entitled to a widow's pension under this Act remarries or marries and—

- (a) again becomes widowed; or
- (b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is in the board's opinion likely to suffer

hardship if the benefit prescribed by this subsection is not granted to her;

that person shall, subject to subsections (4) and (6), be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b) whichever is relevant to the case, as if she had not remarried or, as the case may be, married.

(6) A widow who having remarried or married again becomes widowed shall not be entitled to a pension pursuant to subsection (5) if an amount becomes payable to the widow under section 33 or under section 31 of the 1972 Act in the event of her so becoming widowed unless she elects as prescribed to forgo entitlement to that amount to which she is entitled under either of those sections or under both of those sections if she is entitled under both sections.

(7) An election under subsection (6)—

- (a) shall be in writing; and
- (b) shall be made within 6 months after the date on which the widow so becomes widowed.

Entitlement of widow of person on staff of agent-general

34C.(1) Notwithstanding the provisions of this Act a widow of a person who was employed on the staff of the agent-general and who was liable—

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

shall not be entitled to the payment of an amount pursuant to section 33 but shall be entitled to the payment of a widow's pension as if she were a widow entitled to the payment of an amount pursuant to that section and had duly elected under section 34B not to receive any part of that amount but to receive a widow's pension in lieu thereof—

- (a) where section 77B is relevant to the case—in accordance with that section; or

(b) in any other case—in accordance with section 34B.

(2) This section shall not apply to a widow of a person who, at the date of commencement of the *Superannuation (Miscellaneous Acts) Amendment Act 1991*, section 2.5 was employed on the staff of the agent-general and was a contributor.

Division 4—Additional assurance benefit for children

Children entitled to additional assurance benefit

35.(1) Subject to this Act, additional assurance benefit shall be payable in respect of every child to whom this section applies until the child ceases to be an eligible child.

(2) This section applies to every child of—

(a) a person—

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

(ii) who when he died or ceased to be a contributor was contributing for not less than 4 units of assurance benefit under this Act; or

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

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

(3) For the purposes of this division—

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“eligible child” means—

- (a) a child to whom this section applies under the age of 16 years; or
- (b) a child to whom this section applies—
 - (i) who has attained the age of 16 years but is under the age of 25 years; and
 - (ii) in respect of whom the board is satisfied that he or she is receiving full-time education at a school, college or university.

Amount of additional assurance benefit

36.(1) In respect of each child, the amount of additional assurance benefit shall be—

- (a) if a person who, in the case, is or was a widow entitled to assurance benefit pursuant to division 3 is living—at the rate of \$50 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 43B from and including the first pay-period that occurs wholly in August 1987; and
- (b) in any case other than a case to which paragraph (a) applies, including the case of a child who at the passing of the *Superannuation Acts Amendment Act 1984* is entitled to additional assurance benefit under the *Public Service Superannuation Act 1958–1978*, section 36(1)(b)—at a rate in accordance with the following table in respect of each unit of assurance benefit for which the person through whom the entitlement to additional assurance benefit arose or arises was contributing when he died or otherwise ceased to be a contributor—

TABLE

1 child	\$2.56 per fortnight
2 or more children	\$3.84 per fortnight divided by the number of children in respect of each child.

(1A) However, each child who is entitled to additional assurance benefit under subsection (1)(b) shall be paid a fortnightly rate so that, when that rate

is added to any rate of pension to which the child is entitled under the *State Service Superannuation Act 1972*, the total rate payable shall be at least equal to twice the rate that the child would have been paid had the child been a case to which subsection (1)(a) applies.

Payment of additional assurance benefit

(2) Unless the board otherwise determines, the additional assurance benefit shall be paid in a case to which subsection (1)(a) applies, to the person who is or was the widow referred to therein and, in any other case, to the guardian of the child.

(2A) In any case where the board deems necessary for the better support and education of the child concerned the additional assurance benefit, or any part thereof, shall be paid to such person as the board determines.

(3) Where by reason of the death of a contributor or a person in receipt of benefit the only entitlement derived through him is an entitlement to an additional assurance benefit arising on or after the passing of the *Superannuation Acts Amendment Act 1984* and before the passing of the *Superannuation Acts Amendment Act 1987* the amount of benefit payable in respect of the child or, if there are 2 or more children who derive the entitlement, in respect of all of them shall equal at the least the amount that would be payable in respect of 1 child (being a child deriving his or her entitlement through the contributor or person in receipt of benefit) under this section for a period of 5 years calculated at the rate at which a pension was payable in respect of 1 child (being a child deriving his or her entitlement through that contributor or person in receipt of benefit) at the date when the entitlement to the additional assurance benefit commenced.

(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, if there are 2 or more children 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 1, the

difference between the 2 amounts hereinbefore referred to in this subsection.

Division 5—Surrender values and refunds of contributions for annuity and assurance benefits

Endowment payment in lieu of units of assurance benefit

37. A contributor who on or after the passing of the *Superannuation Acts Amendment Act 1984* attains the age for retirement or retires before attaining that age by reason of an election mentioned in section 29(2)(d) and—

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

is entitled, in addition to annuity benefit and to the payment (if any) to which he is entitled under paragraph (a), to an amount determined by the actuary and approved by the board in respect of

each unit of assurance benefit for which he was contributing immediately before he ceased to be a contributor or, as the case may be, in respect of each of those excess units of assurance benefit and he shall be paid from the fund a sum equal to that amount multiplied by a number equal to the number of units of assurance benefit for which he was so contributing or, as the case may be, by a number equal to the number of those excess units of assurance benefit.

Refunds of annuity benefit contributions

38.(1) If and when a person ceases to be a contributor before attaining the age of 65 years otherwise than by reason of an election as is mentioned in section 29(2)(d), the person or, if the person died, the person's legal personal representative or other person approved by the board shall be paid from the fund a sum equal to the aggregate of all amounts contributed by the person to the fund in respect of units of annuity benefit for which the person was then contributing accumulated at the rate of 1.25% per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound.

(1A) Subsection (1) does not apply to a person who is retired or permitted to retire from employment as an officer by reason of incapacity and who satisfies the board as required by section 43E or to a person referred to in section 73B(7) who dies.

(2) When a person over the age of 65 years who has been a contributor and who when the person died was entitled to receive annuity benefit under this Act, dies before the person has been in receipt of such benefit for a period of 3 years the person's legal personal representative or other person approved by the board shall be entitled to be paid from the fund the amount by which the aggregate of all payments from the fund in respect of units of annuity benefit under this Act in respect of which the person was entitled to the receipt of annuity benefit when the person died that would have been paid if the person had been in receipt of such annuity benefit for a period of 3 years exceeds the aggregate of all such payments that had been paid to the person before the person died.

(2A) For the purposes of subsection (2)—

- (a) it shall be deemed that the annuity benefit that would have been received by the person during any unexpired portion of the period of 3 years subsequent to the person's death shall be at the rate of \$3.84 per fortnight per unit of annuity benefit; and
- (b) the provisions of sections 43A and 43B shall be disregarded in calculating entitlement under subsection (2).

(3) Subsections (2) and (2A) applies to a contributor who makes an election as is mentioned in section 29(2)(d) to retire before the day on which the contributor would attain the age for retirement as if in the contributor's case a reference in subsection (2) to 'the age of 65 years' were a reference to the contributor's age at the date of retirement pursuant to such election and as if the reference in subsection (2A)(a) 'the rate of \$3.84' were a reference to the rate ascertained in the contributor's case in accordance with the formula prescribed in section 30(3).

Refunds of incapacity benefit contributions

38A.(1) If and when a person ceases to be a contributor before attaining the age of 65 years the person or, if the person has died, the person's legal personal representative or other person approved by the board, shall be paid from the fund a sum equal to the aggregate of all sums contributed by the person to the fund in respect of units of incapacity benefit for which the person was then contributing accumulated at the rate of 1.25% per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound.

(2) This section does not apply to a person retired, by reason of incapacity, or an election as is mentioned in section 29(2)(d), from employment as an officer.

Refund of assurance benefit contributions

39. If and when a person ceases to be a contributor before attaining the age for retirement other than by reason of—

- (a) his death; or
- (b) his retirement from employment as an officer on the ground of

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incapacity; or

- (c) 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 1.25% per annum compound until the passing of the *Superannuation Acts Amendment Act 1987* and thereafter at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound.

Division 5A—Commutation of annuity benefit

Application to commute

39A.(1) Subject to this division, a contributor or other person may apply in writing to the board to commute for the lump sum ascertained in accordance with this division the annuity benefit payable in respect of all or any of the units of annuity benefit (including any excess unit to which section 55 applies but not including any reserve unit of benefit in respect of which he or she may elect to receive payment of the sum prescribed by section 27E) for which he or she was contributing—

- (a) on attaining the age of 65 years; or
- (b) in the case of a contributor retired by reason of incapacity from his or her employment as an officer before attaining the age of 65 years—when so retired; or
- (c) in the case of a contributor who voluntarily resigns from his or her employment as an officer after he or she has attained the age of 60 years but before attaining the age of 65 years or makes an election as is mentioned in section 29(2)(d) to retire before the day on which the contributor would attain the age for retirement—on the date of his or her resignation or, as the case may be, retirement.

(2) The application shall be made—

- (a) in the case of a person who immediately before the commencement of the *Public Service Superannuation Act*

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Amendment Act 1969 was entitled to receive annuity benefit under this Act—before the expiration of a period of 3 months commencing on the date of such commencement; and

- (b) in the case of a contributor retired by reason of incapacity from his or her employment before attaining the age of 65 years—before the expiration of a period of 1 month commencing on the date on which he or she attains that age; and
- (c) in the case of a contributor who voluntarily resigns from his or her employment after he or she has attained the age of 60 years but before attaining the age of 65 years or makes an election as is mentioned in section 29(2)(d) to retire before the day on which the contributor would attain the age for retirement—before the expiration of a period of 1 month commencing on the date on which his or her resignation or, as the case may be, retirement takes effect; and
- (d) in any other case—before the expiration of a period of 1 month commencing on the date on which the contributor attains the age of 65 years.

(3) The board shall not proceed with an application under subsection (1) by a person to whom subsection (2)(a) applies (other than a person who at the date of the application is being continued in his or her employment as an officer) unless the applicant has produced evidence of good health at the time of the application satisfactory to the board.

(4) A person to whom subsection (1)(b) applies who makes an application under subsection (1) shall produce evidence of his or her state of health at the time of the application satisfactory to the board and in determining the lump sum payable under this section due weight shall be given to that evidence.

(5) The provisions of section 38(1) do not apply to a person to whom subsection (1)(c) applies in relation to any units of annuity benefit in respect of which he or she is paid a lump sum pursuant to this section.

Persons not entitled to commute

39B.(1) This division does not apply to a contributor who—

- (a) having attained the age of 59 years and 9 months at the date of

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commencement of the *Public Service Superannuation Act Amendment Act 1969*—elects, after the expiration of a period of 3 months commencing on that date, to increase the amount of his or her contribution under section 22A, or that section as applied by section 73B, and is accepted by the board as a contributor under the section under which the election is made;

- (b) not being a person to whom paragraph (a) applies—elects, after the said date of commencement and after having attained the age of 60 years, to increase his or her contribution under section 22A, or that section as applied by section 73B, and is accepted by the board as a contributor under the section under which the election is made;
- (c) voluntarily resigns from his or her employment after he or she has attained the age of 60 years but before attaining the age of 65 years or makes an election as is mentioned in section 29(2)(d) to retire before the day on which the contributor would attain the age for retirement and who—
 - (i) has elected to increase the amount of his or her contributions under section 22A, or that section as applied by section 73B, and has been accepted by the board as a contributor under the section under which the election is made; or
 - (ii) has been permitted under section 40 to commute the contribution for any benefits under this Act other than a commutation by way of a single premium of the contribution for units of benefits under this Act effected under section 22 by reason of an increase in the salary of the contributor;

after the expiration of the period of 3 months commencing on the date of commencement of the *Public Service Superannuation Act Amendment Act 1969* and—

- (iii) during the period of 5 years immediately preceding such resignation or, as the case may be, retirement; or
- (iv) where the resignation or, as the case may be, retirement takes effect within the period of 5 years and 3 months after the date of commencement of the *Public Service Superannuation Act Amendment Act 1969*—during such part

only of that period of 5 years as occurs after the expiration of a period of 3 months commencing on the said date of commencement.

(2) Where a contributor prior to resignation or retirement has duly surrendered all the units of benefits for which the contributor is contributing under section 22A, or that section as applied by section 73B, the contributor shall, for the purposes of this section, be deemed not to have elected to increase the amount of his or her contributions under section 22A or that section as applied by section 73B.

Ascertainment of lump sum payable

39C.(1) Subject to this section, the amount of the lump sum that a contributor or other person is entitled to be paid in respect of any application under section 39A is such amount as is determined by the actuary appointed pursuant to this Act as the actuarial reserve of the units of annuity benefit to which the application relates and approved by the board.

(2) In the case of a contributor who is continued in his or her employment as an officer after attaining the age of 65 years and who makes an application under section 39A, the lump sum that is payable is such amount as is determined by the actuary appointed pursuant to this Act and approved by the board as the actuarial reserve of the units of annuity benefit to which the application relates no regard being had in determining the lump sum to which the officer is entitled under this division to any amount or proportion in respect of the units of annuity benefit in question prescribed by this Act to be payable by the Crown.

(3) In addition to the lump sum payable under subsection (2) there is payable to a contributor to whom that subsection applies on retiring or being retired from his or her employment as an officer, a sum of such amount as is determined by the actuary appointed pursuant to this Act and approved by the board as being attributable, as at the date on which the retirement takes effect, to the amount or proportion of the units of annuity benefit in respect of which the lump sum was payable under subsection (2) that would have become payable by the Crown under this Act if the application under section 39A had not been made.

(4) In the case of a contributor who voluntarily resigns, pursuant to section 77A, from employment after he or she has attained the age of

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60 years but before attaining the age of 65 years, for the purposes of determining the lump sum that is payable under this division each unit of annuity benefit in respect of which he or she makes an application under section 39A shall be deemed to provide a benefit at such rate per fortnight as may be determined by the actuary appointed pursuant to this Act and approved by the board.

(4A) In the case of a contributor who, after the commencement of the *Superannuation Acts Amendment Act (No. 2) 1974*, part 3, makes an election as is mentioned in section 29(2)(d), for the purposes of determining the lump sum that is payable under this division each unit of annuity benefit in respect of which he or she makes an application under section 39A shall be taken to provide a benefit ascertained in accordance with the formula prescribed by section 30(3).

(5) In determining the lump sum payable under this division—

- (a) with respect to units the subject of an application under section 39A for which the contributor commenced to contribute before the commencement of the *Public Service Superannuation Act Amendment Act 1969* or for which the contributor commenced to contribute after that commencement by reason of section 22(10)—no regard shall be had to any increased benefit to which the applicant may have become entitled in relation thereto if the application had not been made;
- (b) with respect to units the subject of an application under section 39A for which the contributor commenced to contribute after the commencement of the *Public Service Superannuation Act Amendment Act 1969* (save units for which the contributor commenced to contribute after that commencement by reason of section 22(10))—no regard shall be had to any part of the increased benefit to which the applicant may have become entitled in relation thereto if the application had not been made that the actuary appointed pursuant to the Act determines, with the approval of the board, to be attributable to the amount or proportion of those units of annuity benefit that would have become payable by the Crown under this Act if the application had not been made.

(6) In respect of the lump sum payable under this division which shall be paid from the fund, the Crown shall pay such sum as the actuary appointed

pursuant to this Act certifies with the approval of the board as being the part of the lump sum attributable to the amount or proportion of the units of annuity benefit to which the application under section 39A relates that may have become payable by the Crown under this Act if the application had not been made.

(7) Any right conferred by this division on any contributor or other person does not derogate from any right conferred by section 71, but a person is not entitled to be paid a lump sum under more than 1 such provision in respect of the same unit of annuity benefit.

Division 6—General provisions respecting benefits

Right to prepay contributions

40.(1) The board may permit a contributor to commute the contribution for benefits under this Act, or any of them, payable by the contributor in respect of any future period by payment of a lump sum of such amount as shall be determined by the actuary and approved by the board.

(2) Where a contributor has commuted wholly or in part any contributions under this Act attributable to a period within the 10 years immediately preceding the age for retirement the contributor is, upon the contributor's application therefor made to the board prior to the date of retirement, entitled to be paid from the fund in respect of the contributions so commuted and attributable to such part of that period as commences on the date of the contributor's application or a date specified by the contributor in the contributor's application (whichever is the later date) and expires at the termination of that period such sum of money as is determined by the actuary and approved by the board.

(3) Where a contributor who elects to retire at any time within the period of 10 years immediately preceding the day on which the contributor would attain the age for retirement has commuted wholly or in part any contributions under this Act attributable to any period after the date of retirement and has not been paid under subsection (2) a sum of money in respect of the whole of the contributions so commuted the contributor is, in addition to any benefit entitlement under this Act, entitled to be paid from the fund such sum of money in respect of such contributions as is determined by the actuary and approved by the board, due allowance being

made for any sum of money that has been paid under subsection (2) in respect of such contributions.

Benefits payable for life except in case of children

41.(1) Except where otherwise provided in this Act, annuity benefit or assurance benefit shall be payable during the life of the person entitled thereto.

(2) Additional assurance benefit in respect of any child shall be payable until the child ceases to be an eligible child or sooner dies.

Payment of benefit instalments

(3) Benefits shall as far as practicable be paid fortnightly or, if so determined by the board, periodically at other intervals.

Payment to person other than the beneficiary

42. Where in the opinion of the board payment of any benefit, refund of contributions or other payment under this Act should be made to a person other than the person to whom the same is prescribed to be payable, the board may authorise payment to such firstmentioned person accordingly.

Commencement of benefits

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

Increases in rates of benefits

43A.(1) A person who is entitled to receive annuity benefit, incapacity benefit, assurance benefit or additional assurance benefit, as the case may

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be, under this Act is entitled to an increase in the rate of that benefit in accordance with this section.

(2) The increased rate of annuity benefit, incapacity benefit, assurance benefit or additional assurance benefit, as the case may be, payable to the person in question at any time after the commencement of the *Public Service Superannuation Act Amendment Act 1969* shall be the rate ascertained in accordance with the formula—

$$P(1 + .03T).$$

(2A) In subsection (2)—

“P” means the rate of benefit prescribed in relation to that person at that time and in the circumstances then obtaining by the provisions of this Act (other than this section).

“T” means the number of periods each of 1 year that have elapsed between—

- (a) the date on which occurred the earliest of such of the following events as have occurred prior to the time at which the increased rate is to be ascertained—
 - (i) the grant of sick leave without salary to the contributor to whom the benefit in question is payable or through whom the benefit is derived so long as he or she does not resume his or her employment as an officer after such grant;
 - (ii) the retirement of the contributor to whom the benefit in question is payable or through whom the benefit is derived from his or her employment by reason of incapacity;
 - (iii) the voluntary resignation of the contributor to whom the benefit in question is payable or through whom the benefit is derived from his or her employment as an officer after attaining the age of 60 years but before attaining the age of 65 years;
 - (iv) the death of the contributor through whom the benefit in question is derived;
 - (v) the attainment of the age of 65 years by the contributor

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to whom the benefit in question is payable or through whom the benefit is derived;

or the date of commencement of the *Public Service Superannuation Act Amendment Act 1969*, whichever is later; and

- (b) the date on which occurs the time with respect to which the increased rate is to be ascertained;

increased or further increased—

- (a) where in the case in question the date of commencement of the *Public Service Superannuation Act Amendment Act 1969* is later than the date on which occurred the earliest of such of the other events specified in subsection (2A), definition “P”, paragraph (a) as have occurred prior to the time with respect to which the increased rate is to be ascertained—by 1;

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

(3) A person entitled to receive annuity benefit, incapacity benefit, assurance benefit or additional assurance benefit, as the case may be, under this Act is entitled to receive that benefit at the rate prescribed in relation to that person at the time in question and in the circumstances then obtaining by the provisions of this Act other than this section or at the increased rate as ascertained at that time and in those circumstances in accordance with this section whichever is the greater.

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

Adjustment of pensions

43B. (1) In this section—

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

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“**index**” means the table described as the ‘Consumer Price Index Numbers—All Groups, Brisbane’ that is published by the Commonwealth statistician under the authority of the *Census and Statistics Act 1905* (Cwlth).

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

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

(3) The Government statistician shall, as soon as practicable after 30 June 1974 and in each year thereafter, give to the Minister a notice specifying the percentage (expressed to a degree of accuracy of not more than 1 decimal place) by which the index for the quarter ended on that day is greater or less than the index for the same quarter in the immediately preceding year.

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

- (a) declare the percentage by which benefits shall be adjusted (whether by way of increase or decrease) in the year commencing on 1 August next after the quarter firstmentioned in that subsection; or
- (b) if, by reason of the operation of subsection (9), no adjustment is to be made in respect of that year—declare that benefits shall not be adjusted in respect of that year.

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

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

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

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(7) The following provisions apply to and in relation to the first adjustment of a benefit pursuant to this section if at the time when the adjustment is to be made the benefit has been in force for less than 12 months—

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

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

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

(8A) In subsection (8)—

“A” means the amount by which, but for the operation of subsection (7), the benefit would have been increased or decreased.

“M” means the number of whole months from the day on which the benefit came into force until the following 31 July (both days inclusive).

“V” means the fortnightly amount referred to subsection (7)(c).

(9) Except as provided in subsection (10), where the percentage specified in a notice under subsection (3) in respect of any year is less than 1% no adjustment of benefits shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any 2 or more successive years is less than 1% but those percentages are in the aggregate, equal to, or greater than 1% (whether by way of increase or decrease), benefits shall be adjusted in

respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

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

(12) Where—

- (a) by reason solely of the operation of subsection (11), a benefit is being paid at the basic rate; and
- (b) an adjustment, by way of increase, is required to be made to the rate of that benefit in respect of any year;

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

Adjustment of pension where entitlement follows a former entitlement

43C.(1) Where on or after 1 July 1974 a person becomes entitled to a pension under a provision of division 1 or 2 (in this section called the “**subsequent pension**”) and the person was, immediately before becoming so entitled, entitled to a pension under such a provision (in this section called the “**former pension**”) and has not since becoming entitled to the former pension resumed employment as an officer, the pension to which the person is entitled is a pension calculated in accordance with the formula—

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

(2) In subsection (1)—

“**A**” means the fortnightly amount of the pension that would have been payable to the person but for this section.

“**B**” means the fortnightly amount of the former pension that was payable under this Act to the person immediately before becoming entitled to the subsequent pension.

“**C**” means the fortnightly amount of the former pension that was payable

to the person on the person becoming entitled thereto.

“P” means the fortnightly amount of the pension payable to the person.

Further adjustment of pensions

43CA. 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 6% of the rate of the pension payable immediately before the passing of that Act.

Variation of entitlement to adjustment

43D. (1) Where in the opinion of the board a person in receipt of a benefit under this Act would be prejudicially affected by an increase in the person’s benefit under section 43B or 43CA the board may determine—

- (a) that such person receive no increase in benefit under that section;
or
- (b) that such person receive an increase in benefit less than that provided for by that section;

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

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

(2A) In the event of a revocation of a determination the amount of the benefit to which the determination related shall, as from the date of the revocation, be the same as if that determination had not been made.

(2B) In the event of a variation of a determination the amount of the benefit to which the determination relates shall, as from the date of the variation, be in accordance with the determination as so varied.

(3) Unless it is otherwise determined by the board, for the purpose of determining the amount of benefit payable under section 34, 35 or 43C all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the person in receipt of benefit shall be deemed to have been receiving, immediately before the person’s death

or, as the case may be, immediately before becoming entitled to the subsequent pension referred to in section 43C, the amount of benefit that would have been payable to the person had no such determination been made.

Entitlement to receive incapacity benefit

43E. Before a person—

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

is entitled to payment of an incapacity benefit or to payment from the fund of a sum on account of incapacity the person shall satisfy the board that the incapacity is such as to render the person unfit to discharge or incapable of discharging the duties of office efficiently and, in the case referred to in paragraph (a), that the incapacity is likely to be permanent.

Enlargement of benefits to level of benefits under 1972 Act

43F. 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 schedule 1, column 2 set opposite the fortnightly salary range, specified in schedule 1, column 1, in which the contributor's

salary fell as at 31 December 1972;
whichever is the greater.

Proof of continued incapacity

44.(1) Any person who is in receipt of incapacity benefit, shall whilst the person continues to be in receipt of incapacity benefit, give as prescribed such notifications and certificates relating to the person's continued incapacity as shall be prescribed and submit for medical examination when and so often as the board requires to any medical practitioner or medical practitioners approved by the board.

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

Incapacity beneficiary restored to health may be recalled to service

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

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

(2) If—

- (a) in the case of a person in receipt of incapacity benefit being absent from duty with leave of absence without salary—the board has pursuant to subsection (1) informed the person, body or authority by whom that person is employed as an officer as prescribed by

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that subsection and that person has not resumed such duty;

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

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

(2A) Where the board cancels a person's incapacity benefit it shall forthwith inform the person in writing of the cancellation.

(3) Where a person's incapacity benefit is cancelled under subsection (2) neither that person nor any other person claiming through the person, either immediately or at any future time, shall be entitled to any payment or further payment from the fund by way of any benefit for which that person was contributing to the fund but that person shall be paid from the fund a sum equal to the total amount of the person's contributions to the fund accumulated from 1 July 1990 at the net earning rate of the fund compound less an amount certified by the actuary to be attributable to the provisions of incapacity benefit.

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

- (a) engages in—
 - (i) any business or occupation on the person's own account; or
 - (ii) employment, not being employment by virtue whereof the person is an officer receiving salary at least equal to the rate referred to in subsection (2); or
- (b) receives compensation under the *WorkCover Queensland Act 1996*;

the board may suspend payment of the incapacity pension.

(5) For the period for which payment of an incapacity pension is suspended under subsection (4) the person concerned shall not be entitled to or receive any incapacity pension from the fund unless the board directs that the person 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.

Contribution by retired incapacity beneficiaries upon re-employment

46. If a person who has been retired, by reason of incapacity, from employment as an officer and who is in receipt of incapacity benefit again becomes an officer, the period during which the person was retired shall not, for the purposes of this Act, be deemed to be a break in the continuity of his or her service as an officer, and accordingly the officer shall be deemed to be a contributor and contributions to the fund shall again become payable by the person in accordance with this Act.

Postponement of payment of refunds

47.(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) resignation before attaining the age of 55 years; or
- (b) the termination of employment as an officer before attaining the age of 55 years, otherwise than on account of misconduct; or
- (c) becoming a person excepted from this Act under a regulation; or
- (d) being retired or permitted to retire on the ground of incapacity, where the contributor has not satisfied the board as required by section 43E;

and the contributor makes an election pursuant to section 35 of the 1972 Act the contributor shall by reason of the contributor 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 to which the contributor would have been entitled had the contributor ceased to be an officer by way of retrenchment duly effected in accordance with relevant arrangements approved by the Governor in Council, until, subject to subsection (3)—

- (a) the contributor attains the age of 55 years; or

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

whereupon the prescribed amount shall be paid to the contributor or to his or her 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 the contributor's account under this section shall be added to the prescribed amount credited in the fund on the contributor's account under section 35 of the 1972 Act and shall be applied in the manner prescribed by that section.

(4) In subsections (2) and (3)—

“prescribed amount”, 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 the elector no longer desires his or her election made under section 35 of the 1972 Act to operate, the sums which the elector would have been entitled to be paid pursuant to sections 38, 38A and 39 had the elector not been deemed to have elected as prescribed by subsection (1) together with interest that has accrued 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 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.

(5) For purposes of subsection (4), interest shall be calculated at such rate as is determined by the board, from time to time, on the advice of the actuary which rate, at the time it is determined, is to reasonably reflect the after tax earnings of the fund (on a long-term basis) derived from the

investment of contributors' contributions, having regard to costs incurred in investing and administering the fund.

PART 5—TRANSITIONAL PROVISIONS

Division 1—Interpretation

Conversion value of units of annuity benefit and incapacity allowance under the repealed Act

49. Except as otherwise provided in this Act, a unit of annuity benefit or of incapacity allowance under the repealed Act shall be taken into account as 3 units of annuity benefit or as 3 units of incapacity benefit, as the case may be, under this Act.

Application of pt 5

50.(1) This part 5 applies to every officer required by this Act to contribute to the fund whose employment as an officer (whether on probation or otherwise) commenced before 1 April 1959, and who immediately before that date was contributing under the repealed Act for annuity benefit thereunder.

(2) In this part 5—

“**officer**” means an officer to whom this part 5 applies.

Division 2—Contributions for annuity benefit by officers

Officer to make equivalent contribution for annuity benefits

51.(1) Subject to this division, every officer shall, whilst the officer is required by this Act to contribute to the fund, contribute thereto for 3 units of annuity benefit in respect of every unit of annuity benefit under the repealed Act for which the officer was contributing thereunder.

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(2) In respect of every 3 units of annuity benefit under this Act to which subsection (1) applies, an officer (instead of contributing in accordance with schedule 2) shall make to the fund the contribution prescribed under the repealed Act in respect of the unit of annuity benefit thereunder in relation to which subsection (1) requires the officer to contribute for the 3 units in question of annuity benefit under this Act.

(3) In respect of a number of units of annuity benefit under this Act for which an officer is required to contribute according to schedule 1 in excess of the aggregate of 3 units of annuity benefit under this Act for each unit of annuity benefit under the repealed Act for which—

- (a) an officer under the age of 40 years on 1 April 1959, was contributing, on and from that date that officer shall contribute for all units so in excess of that aggregate according to schedule 2; or
- (b) an officer who has attained the age of 40 years on 1 April 1959, was contributing, if that officer elects pursuant to subsection (4) to contribute for all or any units so in excess of that aggregate and the board approves of such contribution, on and from a date so approved by the board that officer shall (subject to subsections (5) to (5B)) contribute therefor according to schedule 2.

(4) An officer who has attained the age of 40 years on 1 April 1959, and to whom subsection (3) applies may, not later than 31 December 1959, elect either to contribute for all of the excess units of annuity benefit prescribed by that subsection in his or her case or to contribute for less than the full number of those excess units.

(4A) Such officer shall not be entitled or required to contribute to the fund for any such excess units of annuity benefit save as he or she elects pursuant to subsection (4).

(5) In respect of a number (not exceeding, in the case of a male officer, 6 and, in the case of a female officer, 2) of the excess units of annuity benefit under this Act, for which an officer who has attained the age of 40 years on 1 April 1959, elects pursuant to subsection (4), to contribute, the contribution payable shall be the reduced amount of contribution prescribed by subsections (5A) and (5B).

(5A) Such reduced amount of contribution shall be—

- (a) in the case of such an officer who, on the date when the

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contribution commences, has not attained the age of 49 years nearest birthday—the contribution payable upon the basis of the age of 40 years nearest birthday;

- (b) in the case of such an officer who, on the date when the contribution commences, has attained the age of 49 years nearest birthday but has not attained the age of 61 years nearest birthday—one-half of the contribution payable upon the basis of the age of the contributor;

according to schedule 2.

(5B) Such reduced amount of contribution shall, in the case of an officer who, on the date when the contribution commences, has attained the age of 61 years nearest birthday, be at such monthly rate as would, if the officer continued to contribute until the officer attained the age of 65 years, amount to the aggregate of one-half of the contribution in respect of a period of 5 years payable, upon the basis of the age of 60 years nearest birthday, according to schedule 2.

(6) Whilst the aggregate of 3 units of annuity benefit under this Act for each unit of annuity benefit under the repealed Act exceeds the number of units of annuity benefit under this Act for which an officer is for the time being entitled and required to contribute according to schedule 1, the officer shall not be entitled or required to contribute for units of annuity benefit under this Act in excess of that aggregate.

(7) In calculating for the purposes of this section any reduced rate of contribution in respect of a unit of annuity benefit, any fraction of a cent shall count as a cent.

Surrender of excess units of annuity benefit

52.(1) At any time not later than 31 December 1959, when the aggregate of 3 units of annuity benefit under this Act for each unit of annuity benefit under the repealed Act for which an officer was contributing exceeds the number of units of annuity benefit under this Act for which that officer is required to contribute according to schedule 1, that officer may surrender all or any of those excess units of annuity benefit under this Act, and thereupon shall be paid from the fund the surrender value of each such unit so surrendered.

(2) Any units surrendered by a contributor under this section shall be those for which the officer last commenced to contribute.

Division 3—Contributions for incapacity benefit by officers

Officer to make equivalent contribution for incapacity benefit

53.(1) Subject to this division, every officer shall, whilst the officer is required by this Act to contribute to the fund, contribute thereto for 3 units of incapacity benefit in respect of every unit of incapacity allowance under the repealed Act for which the officer was contributing thereunder.

(2) In respect of every 3 units of incapacity benefit under this Act to which subsection (1) applies, an officer (instead of contributing in accordance with schedule 2) shall make to the fund the contribution prescribed under the repealed Act in respect of the unit of incapacity allowance thereunder in relation to which subsection (1) requires him or her to contribute for the 3 units in question of incapacity benefit under this Act.

(3) In respect of a number of units of incapacity benefit under this Act for which an officer is required to contribute according to schedule 1 in excess of the aggregate of 3 units of incapacity benefit under this Act for each unit of incapacity allowance under the repealed Act for which—

- (a) an officer under the age of 40 years on 1 April 1959, was contributing, on and from that date that officer shall contribute for all units so in excess of that aggregate according to schedule 2; or
- (b) an officer who has attained the age of 40 years on 1 April 1959, was contributing, if that officer elects pursuant to subsection (4) to contribute for all or any units so in excess of that aggregate and the board approves of such contribution, on and from a date so approved by the board that officer shall contribute therefor according to schedule 2.

(4) An officer who has attained the age of 40 years on 1 April 1959, and to whom subsection (3) applies, may, not later than 31 December 1959, elect either to contribute for all of the excess units of incapacity benefit prescribed by that subsection in his or her case or to contribute for less than the full number of those excess units.

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(4A) Such officer shall not be entitled or required to contribute to the fund for any such excess units of incapacity benefit save as he or she elects pursuant to subsection (4).

(5) Whilst the aggregate of 3 units of incapacity benefit under this Act for each unit of incapacity allowance under the repealed Act exceeds the number of units of incapacity benefit under this Act for which an officer is for the time being entitled and required to contribute according to schedule 1, the officer shall not be entitled or required to contribute for units of incapacity benefit under this Act in excess of that aggregate.

(6) An officer who has attained the age of 40 years on 1 April 1959, shall not be entitled or permitted to elect pursuant to this section to contribute for units of incapacity benefit under this Act in excess of the number of units annuity benefit under this Act for which the officer becomes a contributor.

(7) Whilst an officer is, pursuant to this part 5, contributing for units of incapacity benefit under this Act in excess of the number of units of annuity benefit under this Act for which the officer is contributing, the officer shall not be entitled or permitted to increase his or her contribution in respect of incapacity benefit under this Act unless, being thereunto entitled under this Act, the officer increases his or her contribution under this Act in respect of annuity benefit so that the officer is contributing for the same number of units respectively of annuity benefit and of incapacity benefit.

Division 4—Contributions for assurance benefit by officers

Election with respect to contribution

54.(1) Subject to this division, a male officer who has attained the age of 40 years on 1 April 1959, may, not later than 31 December 1959, elect either to contribute for all of the units of assurance benefit appropriate in his case according to schedule 1 or to contribute for less than that number of such units.

(1A) Such an officer shall not be required or permitted to contribute to the fund for any of the units of assurance benefit under this Act appropriate in his case, as at the said 1 April, according to schedule 1, unless he elects pursuant to subsection (1) to make the contribution and the board approves thereof.

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(1B) In such case the contribution shall be made on and from a date approved by the board.

(2) In respect of the prescribed number of the units of assurance benefit under this Act, for which an officer who has attained the age of 40 years on 1 April 1959, elects pursuant to subsection (1) to contribute, the contribution payable shall be the reduced amount of contribution prescribed by subsection (2A).

(2A) Such reduced amount of contribution shall be—

- (a) in the case of such an officer who, on the date when the contribution commences has not attained the age of 52 years nearest birthday—the contribution payable upon the basis of the age of 40 years nearest birthday;
- (b) in the case of such an officer who, on the date when the contribution commences has attained the age of 52 years nearest birthday but has not attained the age of 61 years nearest birthday—one-half of the contribution payable upon the basis of the age of the contributor;

according to schedule 2.

(2B) Such reduced amount of contribution shall, in the case of an officer who, on the date when the contribution commences has attained the age of 61 years nearest birthday be at such monthly rate as would, if he continued to contribute until he attained the age of 65 years, amount to the aggregate of one-half of the contribution in respect of a period of 5 years payable, upon the basis of the age of 60 years nearest birthday, according to schedule 2.

(2C) In subsection 2—

“prescribed number” means—

- (a) in the case of an officer whose entitlement to contribute for units of annuity benefit under this Act at the reduced amount prescribed by section 51(5) to (5B) is limited to a lesser number than 6 for the reason that such lesser number increases the total number of such units for which the officer is a contributor to the number appropriate in his case according to schedule 1—12 less that lesser number;
- (b) in any other case—6.

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(3) An officer who has attained the age of 40 years on 1 April 1959, shall not be entitled or permitted to elect pursuant to this section to contribute for units of assurance benefit under this Act in excess of the number of units of annuity benefit under this Act for which he becomes a contributor.

(4) In calculating for the purposes of this section any reduced rate of contribution in respect of a unit of assurance benefit, any fraction of a cent shall count as a cent.

Division 5—Amounts respectively of annuity benefits and incapacity benefits

Annuity benefit

55.(1) Every officer who when the officer attains the age of 65 years is contributing (or, in the case of an officer retired, by reason of incapacity, before attaining that age, when so retired was contributing) for units of annuity benefit under this Act in excess of the number thereof for which that officer is then (or was when the officer was so retired before attaining that age) required to contribute according to schedule 1 shall, in respect of those excess units, be entitled to receive annuity benefit at the rate per unit of \$1.34 per fortnight and no more at all times during the continuance of the officer's entitlement to receive annuity benefit under this Act and irrespective of whether or not the officer's employment as an officer is continued or discontinued.

(2) This section shall apply to a contributor who makes an election as is mentioned in section 29(2)(d) to retire before the day on which the contributor would attain the age of 65 years as if—

- (a) a reference to 'the age of 65 years' were a reference to the contributor's age at the date of retirement by reason of such election; and
- (b) a reference to 'the rate per unit of \$1.34 per fortnight' were a reference to a rate per unit per fortnight calculated by the actuary and approved by the board.

Incapacity benefit

56. Every officer who when retired, by reason of incapacity, from his or her employment as an officer, or when granted sick leave of absence without salary from such employment, is contributing for units of incapacity benefit under this Act in excess of the number thereof for which he or she is then required to contribute according to schedule 1 shall, in respect of those excess units, be entitled to receive incapacity benefit at the rate per unit of \$1.34 per fortnight and no more during the continuance of his or her entitlement to receive incapacity benefit under this Act by reason of such retirement or sick leave of absence without salary, as the case may be.

Division 6—Other benefits under the repealed Act**Contribution for assurance benefit under the repealed Act**

57.(1) An officer may, and it is hereby declared is entitled to, maintain the amount of the assurance benefit payable at death or, as the case may be, payable at the age of 65 years or prior death for which he was contributing under the repealed Act immediately prior to 1 April 1959, by continuing to make to the fund the contributions required by the repealed Act to be made by him thereto in respect of that amount.

(2) An officer may elect to discontinue, as from 1 April 1959, or as from any later date, the whole or any part (being a sum contributed in respect of a unit or units of the benefit) of such contribution.

(3) An officer shall be paid from the fund the full actuarial reserve then held in respect of every unit of the benefit to which this section applies which he has duly elected to surrender as from a day not later than 30 September 1959.

(3A) In respect of any unit of such benefit surrendered by him as from any later date he shall be paid from the fund the then surrender value thereof as determined by the actuary and approved by the board calculated on an actuarial basis.

(4) According as the officer continues to contribute for the whole or part only thereof, payment shall be made from the fund in respect of the benefit when it becomes payable.

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(5) To the extent necessary to give operation and effect to this section, the provisions of the repealed Act with respect to the benefit thereunder called therein assurance benefit shall, notwithstanding the repeal thereof, be deemed to be in force.

(6) A contributor who makes an election as is mentioned in section 29(2)(d) to retire before the day on which he would attain the age for retirement and who is on his retirement maintaining an amount of benefit under the repealed Act called therein assurance benefit (whether payable at death or payable at the age of 65 years or prior death) may apply, not later than 1 month after the date of his retirement, to the board to convert the same to a benefit payable on his retirement, and the board may convert the same accordingly on such terms and conditions as may be determined by the actuary and approved by the board.

(7) Except as prescribed by subsection (6), such a contributor shall not be entitled to apply, whether on his retirement or thereafter, for any conversion of such a benefit under the repealed Act.

(8) Where a benefit under the repealed Act mentioned in subsection (6) is not converted pursuant to this subsection, the amount thereof which shall be payable at the death or, as the case may be, at the age of 65 years or prior death of the contributor shall be such amount as is calculated by the actuary and approved by the board.

Payment of assurance benefit under the repealed Act

58.(1) The right and interest of an officer or other person who attained the age of 65 years or of a person retired, by reason of incapacity, from employment as an officer prior to 1 April 1959, in respect of assurance benefit for which he contributed under the repealed Act are, to the extent subsisting, hereby preserved and continued and accordingly payments as necessary shall be made from the fund.

(2) To the extent necessary to give operation and effect to this section, the provisions of the repealed Act with respect to the benefit thereunder called therein assurance benefit shall, notwithstanding the repeal thereof, be deemed to be in force.

Division 7—Persons other than officers**Not entitled to contribute for benefits under this Act**

59.(1) The right and interest of a person other than an officer in respect of annuity benefit, incapacity allowance and assurance benefit payable at death or, as the case may be, payable at the age of 65 years or prior death, or any of those benefits, under the repealed Act for which the officer was contributing immediately prior to 1 April 1959, are, to the extent subsisting, hereby preserved and continued and the officer may make to the fund contributions as prescribed by the repealed Act for maintaining them and, subject to compliance with the applicable provisions of the repealed Act, the officer shall be paid from the fund any payment prescribed thereby in respect of such a benefit.

(2) To the extent necessary to give operation and effect to this section, the provisions, save sections 21A(3A) and 21B(6), of the repealed Act with respect to the benefits thereunder called therein respectively annuity benefit, additional annuity benefit, incapacity allowance, additional incapacity allowance and assurance benefit shall, notwithstanding the repeal thereof, be deemed to be in force.

Division 8—Persons in receipt of benefits under the repealed Act**Annuity benefit**

60.(1) The right and interest of a person in respect of annuity benefit (including additional annuity benefit (if any)) which became payable to the person under the repealed Act prior to 1 April 1959, are, to the extent subsisting, hereby preserved and continued and accordingly payments as necessary shall be made from the fund.

(2) Save the persons specified in subsection (3), every person to whom this subsection applies shall be paid from the fund an additional amount at the rate of \$475 per annum on and from 31 December 1968, and thereafter so long as annuity benefit under the repealed Act continues to be payable to him or her.

(3) The following persons to whom this section applies shall not be entitled to be paid, or be paid, the additional amount specified in

subsection (2)—

- (a) any person whose right and interest preserved and continued by subsection (1) does not include a right to additional annuity benefit under, within the meaning of, and in accordance with the provisions with respect to that benefit of the repealed Act;
- (b) any person whose right and interest preserved and continued by subsection (1) includes a right to additional annuity benefit under, within the meaning of, and in accordance with the provisions with respect to that benefit of the repealed Act by virtue only of specific approval in that behalf granted by the Governor in Council in the person's case pursuant to section 21A(6) of the repealed Act.

(4) To the extent necessary to give operation and effect to this section, the provisions, save section 21A(3A) of the repealed Act with respect to the benefits thereunder called therein respectively annuity benefit and additional annuity benefit shall, notwithstanding the repeal thereof, be deemed to be in force.

Incapacity benefit

61.(1) The right and interest of a person retired, by reason of incapacity, prior to 1 April 1959, in respect of incapacity allowance (including additional incapacity allowance (if any)) which became payable to the person under the repealed Act, are, to the extent subsisting, hereby preserved and continued, and accordingly payment as necessary shall be made from the fund.

(2) Save the persons specified in subsection (3), every person to whom this subsection applies shall on and from 31 December 1968, and thereafter so long as incapacity allowance under the repealed Act continues to be payable to him or her be paid from the fund an additional amount at the rate of—

- (a) in the case of a female person having such right and interest in respect of incapacity allowance at the rate of \$80 per annum per unit—\$380 per annum; and
- (b) in any other case—\$475 per annum.

(3) The following persons to whom this section applies shall not be

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entitled to be paid, or be paid, the additional amount specified in subsection (2)—

- (a) any person whose right and interest preserved and continued by subsection (1) does not include a right to additional incapacity allowance under, within the meaning of, and in accordance with the provisions with respect to that benefit of the repealed Act;
- (b) any person whose right and interest preserved and continued by subsection (1) includes a right to additional incapacity allowance under, within the meaning of, and in accordance with the provisions with respect to that benefit of the repealed Act by virtue only of specific approval in that behalf granted by the Governor in Council in his or her case pursuant to section 21B(5) of the repealed Act.

(4) Subject to a person to whom this section applies continuing to receive incapacity allowance (including additional incapacity allowance (if any)) which became payable to the person under the repealed Act until the person attains the age of 65 years, the right and interest of such person in respect of annuity benefit (including additional annuity benefit (if any)) for which the person was contributing under the repealed Act when the person was retired are, to the extent subsisting, also hereby preserved and continued and accordingly payment as necessary shall be made from the fund.

(4A) Section 60 shall apply to such person on and from the date when the person attains the age of 65 years.

(4B) For the purpose of so applying section 60 to the case of a person who attains the age of 65 years on or after 31 December 1968, any reference in that section to the said 31 December shall be read as referring to the date on which the person attains the age of 65 years.

(5) To the extent necessary to give operation and effect to this section the provisions, save sections 21A(3A) and 21B(6) of the repealed Act with respect to the benefits called thereunder respectively incapacity allowance and additional incapacity allowance and, so far as they relate to such a person, annuity benefit and additional annuity benefit shall, notwithstanding the repeal thereof, be deemed to be in force.

Incapacity beneficiaries when deemed on leave

62. Sections 44, 45 and 46 apply to persons whose right and interest in respect of incapacity allowance which became payable to them under the repealed Act are preserved and continued by section 61.

Incapacity beneficiaries re-employed as officers

63.(1) If any person whose right and interest in respect of incapacity allowance which became payable to the person under the repealed Act are preserved and continued by section 61, becomes an officer, then the provisions applicable to officers of this part shall apply to the person.

(2) For the purpose of so applying those provisions any reference therein to 1 April 1959, shall be read as referring to the date on which the person becomes an officer.

*Division 9—Incapacitated officers and other persons***Incapacity allowance**

64.(1) The right and interest of an officer or other person on sick leave of absence without salary, by reason of incapacity, immediately prior to 1 April 1959, in respect of incapacity allowance which became payable to the person under the repealed Act are, to the extent subsisting, hereby preserved and continued in respect both of the period of such leave current at 1 April 1959, and of any extension or extensions of that period granted thereafter, by reason of continuous incapacity, and accordingly payment as necessary shall be made from the fund.

(2) If without resuming employment an officer or other person to whom subsection (1) applies is retired, by reason of incapacity, from such employment, then section 61 shall apply to the person on and from the date of retirement.

(2A) For the purpose of so applying section 61 to the case of such an officer or person who is so retired on or after 31 December 1968 any reference in that section to the said 31 December shall be read as referring to the date of retirement.

(3) To the extent necessary to give operation and effect to this section the

provisions of the repealed Act with respect to the benefit called thereunder incapacity allowance shall, notwithstanding the repeal thereof, be deemed to be in force.

Annuity and assurance benefits

65.(1) The right and interest of an officer or other person to whom section 64 applies who remains on sick leave of absence without salary until he or she attains the age of 65 years, in respect of annuity benefit and assurance benefit under the repealed Act are, to the extent subsisting, hereby preserved and continued and accordingly payment as necessary shall be made from the fund.

(2) Section 60 shall apply to an officer or other person to whom this section applies on and from the date when the person attains the age of 65 years.

(3) For the purpose of so applying section 60 to the case of an officer or other person who attains the age of 65 years on or after 31 December 1968, any reference in that section to the said 31 December shall be read as referring to the date on which that officer or other person attained the age of 65 years.

Resumption of contributions

66.(1) An officer to whom section 64 applies shall not be required or permitted to contribute under this Act to the fund unless and until the officer resumes employment as such and accordingly divisions 2, 3, 4 and 6 shall apply subject to this section.

(2) For the purpose of so applying those divisions any reference therein to 1 April 1959, shall be read as referring to the date on which the officer resumes employment as such.

Division 10—Medical certificates

When evidence of good health required

67. Notwithstanding anything in this Act or in any other Act—

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- (a) an officer who has made an application to contribute voluntarily for any benefit under the repealed Act which has not been approved by the board; or
- (b) an officer whose right or entitlement to contribute in respect of any compulsory unit of annuity benefit under the repealed Act has, at any time, been rejected or deferred; or
- (c) an officer who has attained the age of 40 years on 1 April 1959; or
- (d) an officer to whom section 63 applies; or
- (e) an officer to whom division 9 applies;

shall not be entitled or required or permitted to contribute under this Act—

- (f) for a number of units of annuity benefit in excess of the aggregate of 3 such units for each unit of annuity benefit under the repealed Act for which the officer was contributing; or
- (g) for a number of units of incapacity benefit in excess of the aggregate of 3 such units for each unit of incapacity allowance under the repealed Act for which the officer was contributing; or
- (h) for any assurance benefit;

unless and until the officer produces evidence of good health satisfactory to the board or is exempted from so doing by the board.

Division 11—Conversion of benefits

Election to convert annuity benefit

68.(1) A person may apply to the board to convert into annuities payable respectively to himself or herself during the person's lifetime and upon the person's death to the person's widow during the widow's lifetime any annuity benefit (including additional annuity benefit (if any)) under the repealed Act whereof the person was in receipt immediately prior to 1 April 1959, together with if the person is entitled to payment thereof, the additional amount at the rate of \$475 per annum prescribed by section 60.

(1A) Such person may also apply to have included in such conversion any assurance benefit under the repealed Act whereto the person is entitled.

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(2) The board shall not approve such an application unless the applicant produces evidence of good health satisfactory to the board.

(3) The widow of a person to whom this section applies shall not be paid annuity benefit pursuant to this section unless the marriage to the person took place before 1 April 1959.

(4) The annuity benefit payable to the widow pursuant to the conversion shall be one-half that payable to the applicant and the actuarial value at the date of conversion as determined by the actuary and approved by the board of the respective annual amounts of those annuities shall be equivalent to the equivalent value at the date of conversion of the benefit or benefits under the repealed Act which have been converted (inclusive of the value of the aforesaid additional annual amount (if any)).

Division 12—Payments by the Crown

When Crown to make payments

69.(1) Where the right and interest in respect of annuity benefit or of incapacity allowance under the repealed Act preserved and continued to any person by this Act include the payment by the Crown under the repealed Act called therein additional annuity benefit or, as the case requires, additional incapacity allowance benefit then, in respect of payments from the fund in respect of units of the benefits so preserved and continued the Crown shall pay a sum equal to three-fifths of each payment so made.

(2) In respect of all additional amounts paid from the fund as prescribed by section 60(2), 61(2) and (4), 64(2) or 65(2), the Crown shall pay an equal sum.

(4) In respect of payments from the fund in respect of any annuity obtained by conversion under section 68, which included additional annuity benefit under and within the meaning of the repealed Act or the additional amount at the rate of \$475 per annum prescribed by section 60, or both, the Crown shall pay such proportion of each payment so made as is determined by the actuary.

Division 13—Gratuities for meritorious services**Gratuities for meritorious services**

70. Amounts which become payable on or after 1 April 1959, in respect of gratuities and sums as and by way of proportion of gratuity specified in section 9(3) of the repealed Act shall not be payable or paid out of the fund but every such amount shall, subject to appropriation by Parliament—

- (a) in the case of a person entitled thereto whose salary, when the person retired, was payable from any of the trust and special funds—be paid out of the particular fund in question; and
- (b) in any other case—be paid out of the consolidated fund.

Division 14—Commutation of benefits**Benefits which may be commuted**

71.(1) Subject to this section an officer or other person may apply in writing to the board to commute for the lump sum prescribed by this section—

- (a) units of annuity benefit under the repealed Act for which the person was contributing immediately prior to 1 April 1959, and whereto the person's right and interest are preserved and continued by this Act;
- (b) units of assurance benefit payable at death under the repealed Act for which the person was contributing immediately prior to 1 April 1959, and whereto the person's right and interest are preserved and continued by this Act;
- (c) in the case of an officer—units of annuity benefit under this Act for which the officer's contribution is, pursuant to section 51, related to a unit of annuity benefit under the repealed Act.

(2) The application shall be made—

- (a) in the case of an officer or other person who attained the age of 65 years before 1 April 1959, and who on that date is being continued in employment within 3 months—after that date; and

(b) in any other case—within 1 month after the officer or person in question attains the age of 65 years.

(3) The board may refuse the application or may approve it in whole or in part.

(4) The amount of the lump sum to be paid in respect of any application shall be such amount as is determined by the actuary and approved by the board.

(5) For the purposes of this section—

- (a) a unit of annuity benefit under the repealed Act shall be deemed to provide a benefit at the rate of \$100 per annum; and
- (b) a unit of assurance benefit payable at death under the repealed Act shall be deemed to provide a benefit of \$400; and
- (c) a unit of annuity benefit under this Act shall be deemed to provide a benefit at the rate of \$35 per annum.

Conversion of assurance benefit payable at death

72.(1) An officer or person may at any time elect to convert any units of assurance benefit payable at death under the repealed Act to units of assurance benefit payable at age 65 years or prior death under the repealed Act.

(1A) The terms of such a conversion shall be such as are determined by the actuary and approved by the board.

(2) For the purposes of this Act an officer or person shall be deemed to have been contributing immediately prior to 1 April 1959, for any units of assurance benefit payable at age 65 years or prior death under the repealed Act which he obtains by conversion pursuant to this section.

Limit of commutation or variation of benefits

73. Except as prescribed by this Act, no commutation or other variation whatsoever of any benefit under this Act or of any benefit under the repealed Act the right whereto is preserved and continued by this Act shall be permitted in any circumstances whatsoever.

PART 5A—VOLUNTARY CONTRIBUTION FOR ANNUITY BENEFIT

Application of this part

73A.(1) This part applies to any and every officer—

- (a) with respect to whom the board is not satisfied, whether pursuant to the provisions of this Act or the corresponding provisions of the repealed Act, that the health and physical condition of such officer are such as to justify the officer being accepted as a contributor; or
- (b) who, being an officer to whom section 67 applies, or pursuant to the corresponding provisions of the repealed Act, has failed to produce evidence of good health satisfactory to the board and has not been exempted from so doing by the board.

(2) In this part—

“further annuity benefit” means any units of annuity benefit in excess of the aggregate of 3 units of annuity benefit under this Act for each unit of annuity benefit under the repealed Act for which an officer to whom part 5 applies was contributing.

“officer” means an officer to whom this part applies.

Voluntary contribution for annuity benefit or further annuity benefit

73B.(1) Any officer, contribution by whom to the fund is prohibited or limited under this Act, or the repealed Act, notwithstanding such prohibition or limitation but subject to this part—

- (a) may elect to contribute to the fund for annuity benefit or further annuity benefit under this Act; and
- (b) if the officer so elects—may become such a contributor in accordance with the election.

(2) Such an election may be to contribute for annuity benefit or further annuity benefit not exceeding the total number of units thereof for which the officer concerned would be entitled or required or permitted to contribute save for the prohibition or limitation imposed in the officer’s case under this

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Act or the repealed Act.

(3) An officer thereunto electing shall contribute to the fund in accordance with the officer's election on and from a date to be determined by the board and thereafter until he or she attains the age of 65 years or his or her employment as an officer is sooner terminated by death, resignation or otherwise.

(4) With respect to annuity benefit, the provisions, save of section 22A(3) and (4) apply to an officer who has elected under this part to contribute to the fund for annuity benefit or further annuity benefit.

(5) Section 26(2) shall not apply to contributions payable by an officer to the fund pursuant to his or her election under this part unless the officer has been a contributor for a period of at least 10 years.

(6) With respect to an officer to whom both this part and part 5 apply, section 51(5) to (5B) shall apply if, but only if, such officer notifies in writing the board of his or her election within 3 months after the date of the passing of the *Public Service Superannuation Act Amendment Act 1960*.

(7) In the case of an officer who—

- (a) dies before attaining the age for retirement; or
- (b) is retired or permitted to retire from employment as an officer by reason of incapacity and satisfies the board as required by section 43E;

section 29 does not apply with respect to any annuity benefit or further annuity benefit for which the officer has elected under this section to contribute but the officer or, in the case of an officer who has died, the officer's widow or, if there be no widow, the legal personal representative or other person approved by the board is entitled to be paid from the fund a sum equal to 3.5 times the total amount of the officer's contributions to the fund under this section.

(8) The provisions of this Act, other than this part, applicable with respect to contributions, benefits and payments in respect of annuity benefit thereunder shall, subject to this part, apply with respect to contributions, benefits and payments in respect of annuity benefit or further annuity benefit contributed for by any officer as prescribed by this part.

(9) In this section—

“**child**” means a person—

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

Annuity to widow

73C.(1) An officer who contributes under this part for annuity benefit or further annuity benefit until the officer attains the age of 65 years may, within 3 months after attaining such age, apply to the board to convert into annuities payable respectively to himself or herself during the officer’s lifetime and upon the officer’s death to the officer’s widow during the widow’s lifetime such annuity benefit or further annuity benefit.

(1A) Such officer may apply to have included in such conversion any assurance benefit under the repealed Act whereto the officer is entitled.

(2) The widow of any officer shall not be paid annuity benefit pursuant to this section unless the marriage to the officer took place before the officer attained the age of 65 years or, if the officer was retired by reason of incapacity from employment as an officer before the officer attained that age, before such retirement.

(3) The annuity benefit payable to the widow pursuant to the conversion under this section shall be one-half that payable to the applicant, and the actuarial value at the date of conversion as determined by the actuary and approved by the board of the respective fortnightly amounts of those annuities shall be equivalent to the equivalent value at the date of conversion of the benefit or further benefit contributed for under this part and of the assurance benefit under the repealed Act (if any) which have been converted.

When limited contributor may become full contributor

73D.(1) Upon application in that behalf by an officer who is contributing under this part for annuity benefit or further annuity benefit and upon production by such officer to the board of evidence of good health satisfactory to the board, the board shall accept such person as a contributor

to the fund as if the employment by virtue whereof the person is an officer had begun on the date when the person produced such evidence to the board.

(2) However, in respect of all benefits for which the person is contributing to the fund on the date when the person produces such evidence such an officer (instead of contributing in accordance with schedule 2) shall continue to make to the fund the contribution therefor then being made by the person.

PART 6—MISCELLANEOUS

Assignment of benefits

74. Subject to sections 74A and 77, benefits and payments under this Act and benefits and payments under the repealed Act continued and preserved and payable by and under part 5 shall not be in any way assigned, charged, taken in execution, attached, or passed by operation of law or otherwise howsoever to any person other than the beneficiary or payee, nor shall any claim be set off against the same, and any moneys payable out of the fund on the death of an officer, beneficiary or payee shall not be assets for the payment of his or her debts or liabilities.

Recovery of overpayments

74A. Where a person has received a payment by way of pension, refund of contributions or lump sum in any case in excess of the payment to which the person was entitled under this Act, the board—

- (a) may recover from that person in a court of competent jurisdiction as a debt due to the board the difference between the payment received by the person and the payment to which the person was entitled under this Act;
- (b) may deduct from moneys that may become payable under this Act to or in relation to that person the difference between the payment received by or in relation to the person and the payment to which the person or any person in relation to the person was

entitled under this Act.

When temporary employee and others may elect

75A.(1) Subject to subsections (2) and (3)—

- (a) any temporary employee who is defined to be an officer by section 4, definition “officer”, paragraph (a); or
- (b) any person permanently employed who is defined to be an officer by section 4, definition “officer”, paragraph (b);

and who will have attained the age of 30 years before 1 April 1965, shall not be bound to contribute to the fund unless he or she elects so to do.

(2) Any officer whose payment for the services rendered by the officer in his or her employment is not based upon an annual or fortnightly rate of salary determined in respect of such employment shall not be eligible to contribute to the fund unless the officer has been continuously employed for a period of not less than 1 year immediately preceding the date when the officer makes the election mentioned in subsection (3).

(3) Notwithstanding that the officer is eligible to contribute to the fund such an officer shall not be bound to contribute to the fund unless the officer elects so to do.

When officer may continue to contribute after resignation

76.(1) Where any officer or the officers included in any class of officers voluntarily resigns or resign from employment as such, the Governor in Council may approve of such officer or officers continuing to contribute after such resignation for all benefits, save (unless otherwise expressly specified by the Governor in Council) incapacity benefit, under this Act for which that officer or those officers respectively was or were contributing before such resignation.

(1A) Subject to and in terms of the approval by the Governor in Council, an officer or every officer included in any class of officers, as the case may be, may continue to contribute for any benefit under this Act under, subject to, and in accordance with the provisions of this Act applicable to contribution by the officer immediately prior to resignation, for the benefit in question and any benefit in respect whereof the officer so continues to

contribute shall, subject to subsections (2) and (3), become payable and be paid as prescribed by this Act.

(1B) In the case of an approval under subsection (1) in relation to a class of officers that class may be specified in any matter whereby it is sufficiently identified and without naming any of the officers included therein.

(2) In respect of benefits under this Act for which an officer to whom subsections (1) and (1B) apply continues, pursuant to this section, to contribute under this Act (unless the Governor in Council specifically approves payment in full as prescribed by this Act of all benefits for which the officer has continued to contribute) the amount of the unit of annuity benefit, of incapacity benefit (in any case where the Governor in Council specifically approves continuance of contribution for that benefit) and of assurance benefit respectively under this Act, and in respect of all additional assurance benefit under this Act (but not including any benefit or payment payable pursuant to part 4, division 5) the prescribed amounts thereof, shall be reduced to 35% of the sums which, save for this subsection and subsection (3), would be payable in respect thereof under this Act.

(3) However, the amount of the unit of annuity benefit or of incapacity benefit under this Act shall not by reason of this section be reduced to less than the rate of \$1.34 per fortnight.

When fund charged with defalcations by contributors

77. If any contributor ceases employment as an officer by reason of dismissal for misappropriation of moneys or other property, the amount of the moneys or value of the property so misappropriated shall be a first charge upon any moneys payable from the fund by reason of such cessation of employment and may be deducted therefrom.

Entitlement to superannuation benefits on voluntary resignation at or after age 60

77A.(1) Subject to this section—

(a) a contributor—

(i) who voluntarily resigns from employment as an officer after

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the contributor has attained the age of 60 years and before the contributor has attained the age for retirement; and

- (ii) who has duly elected as prescribed by subsection (9); and
- (iii) is upon resignation entitled to be paid from the fund annuity benefit in respect of each unit thereof for which the contributor was contributing as at the date of resignation at a rate per annum determined by the actuary and approved by the board;

- (b) where a person entitled to be paid annuity benefit pursuant to paragraph (a) dies leaving a widow whose marriage to the person had occurred before or whose connubial relationship with the person had commenced before the resignation upon which the annuity benefit became payable under paragraph (a)—the widow is entitled to be paid from the fund assurance benefit in respect of each unit thereof for which that person was contributing as at the date of resignation as determined by the actuary and approved by the board.

(2) A widow entitled to assurance benefit under subsection (1)(b) may elect not to receive assurance benefit for 1 or more units thereof but to receive in lieu thereof a widow's pension at a rate per fortnight determined by the actuary and approved by the board.

(2A) An election under subsection (2)—

- (a) shall be in writing; and
- (b) shall be made within 6 months after the date on which the entitlement to assurance benefit arises; and
- (c) shall specify the number of units of assurance benefit in respect of which the elector desires to substitute a widow's pension.

(3) In respect of each child who in relation to a contributor referred to in subsection (1)(a) is a child to whom section 35 applies the amount of additional assurance benefit shall be at a rate per fortnight determined by the actuary and approved by the board in lieu of the amount prescribed by section 36(1).

(3A) Subject to subsection (3B) where a widow to whom this section applies remarries and subsequently again becomes a widow, the widow shall be entitled to receive assurance benefit at the same rate as the widow

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would be receiving had the widow not remarried as from the date of the death of the spouse of the remarriage until the death or if the widow again remarries until further remarriage.

(3B) Subsection (3A) does not entitle a widow to derive assurance benefit from more than 1 contributor and where but for this subsection the widow would be so entitled the widow shall be deemed to derive the widow's sole entitlement to assurance benefit from the contributor through whom the widow would derive the greatest entitlement to assurance benefit.

(4) Every contributor mentioned in subsection (1)(a) who on resignation is unmarried or a widower shall be entitled to be paid from the fund, in respect of each unit of assurance benefit for which the contributor was contributing on the contributor's resignation, a sum calculated by the actuary and approved by the board.

(5) A contributor mentioned in subsection (1)(a) who, pursuant to section 57, is on the contributor's resignation maintaining an amount of benefit under the repealed Act called therein assurance benefit (whether payable at death or payable at the age of 65 years or prior death) may apply, not later than 1 month after the date of resignation, to the board to convert same to a benefit payable on resignation, and the board may convert same accordingly upon such terms and conditions as may be determined by the actuary and approved by the board.

(6) Except as prescribed by subsection (5), such a contributor shall not be entitled to apply, whether on resignation or thereafter, for any conversion of such a benefit under the repealed Act.

(6A) Where a benefit under the repealed Act mentioned in subsection (6) is not converted as provided by subsection (6), the amount thereof which shall be payable at the death or, as the case may be, at the age of 65 years or prior death of the contributor shall be such amount as is calculated by the actuary and approved by the board.

(7) Sections 38(2) and (2A) and 55 apply to a contributor mentioned in subsection (1)(a) as if, in the contributor's case, references in those subsections to the age of 65 years were references to the contributor's age at the date of the voluntary resignation by reason whereof the contributor became entitled to be paid annuity benefit and the reference in section 38(2)(a) to 'the rate of \$100 per annum per unit of annuity benefit' were a reference to 'the rate per annum per unit of annuity benefit calculated

by the actuary and approved by the board’.

(7A) In respect of excess units of annuity benefit mentioned in section 55 the entitlement to receive annuity benefit shall be at a rate per annum calculated by the actuary and approved by the board.

(8) In respect of units of annuity benefit mentioned in section 71(1), a contributor mentioned in subsection (1)(a) may apply to the board to commute for a lump sum payment the annuity benefit payable under this section.

(8A) The application shall be made to the board not later than 1 month after the date of resignation.

(8B) The board may refuse the application or may grant it in whole or in part.

(8C) The amount of the lump sum to be paid in respect of any application under subsection (8) shall be such amount as is determined by the actuary and approved by the board.

(8D) Except as prescribed by subsections (8) to (8C), commutation of annuity benefit payable by virtue of this section shall not be allowed in any circumstances whatsoever.

(9) A contributor shall not be entitled under this section to be paid from the fund any annuity benefit unless not later than 1 month after the date of the contributor’s resignation the contributor shall have furnished to the board a notice in writing stating—

- (a) that the contributor has voluntarily resigned from employment as an officer and the date from which such resignation takes or took effect; and
- (b) that the contributor elects to be paid annuity benefit in accordance with the provisions of this Act.

(9A) The provisions of sections 38(1) and (1A), 38A and 39 do not apply to a contributor who, pursuant to such an election, is entitled to be paid from the fund annuity benefit.

(10) This section shall not have any application after the commencement of the *Superannuation Acts Amendment Act (No. 2) 1974*, part 3 save in respect of a contributor who voluntarily resigned in pursuance of this section before that commencement and to persons deriving entitlement

through such contributor whether before or after the said commencement.

Benefits upon retirement before age 60

77B.(1) Notwithstanding any other provision of this Act, where a contributor elects to retire from employment as an officer at any time within the period of 5 years immediately preceding the day on which the contributor would attain the age of 60 years, then the contributor is entitled to be paid from the fund in respect of each unit of annuity benefit for which the contributor was contributing as at the date of retirement—

- (a) in the case of a male contributor—the amount set forth in schedule 5, part 1 opposite the age in years and completed months as at the date of retirement set forth in schedule 5, part 1;
- (b) in the case of a female contributor—the amount set forth in schedule 5, part 2 opposite the age in years and completed months as at the date of retirement.

(2) A contributor entitled to the payment of an amount pursuant to subsection (1) may elect not to receive that amount or a part of that amount and to receive in lieu a pension on and from the date following the day of retirement calculated in accordance with the formula—

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

(2A) In subsection (2)—

“**A**” means the amount to which the contributor is entitled pursuant to subsection (1).

“**B**” means—

- (a) in the case of a male contributor—the factor set forth in schedule 6, part 1 opposite the age in years and completed months as at the date of retirement;
- (b) in the case of a female contributor—the factor set forth in schedule 6, part 2 opposite the age in years and completed months as at the date of retirement.

“**C**” means a fraction that is the equivalent of the percentage of the amount of entitlement that the contributor elects to convert to a pension.

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“**P**” means the fortnightly amount of pension.

(3) An election under subsection (2)—

- (a) shall be in writing; and
- (b) shall be made within 1 month after the date of the contributor’s retirement; and
- (c) shall specify the percentage of the amount of entitlement in respect of which the elector desires to substitute a pension.

(4) The provisions of section 37 apply in relation to a contributor to whom subsection (1) applies with the modifications specified in the following table—

TABLE

Expression modified	Modification
‘section 29(2)(d)’	to be read as ‘section 77B’
‘commutes for a lump sum’	to be read as ‘receives a lump sum in respect of’
‘for which he has commuted’	to be omitted
‘commuted for’	to be read as ‘received’
‘commuted’ last mention in paragraph (a)	to be read as ‘received lump sum’
‘not commute’	to be read as ‘not receive a lump sum’
‘commuted’ in paragraph (b)	to be read as ‘received a lump sum’.

(5) Section 33(1) applies to a widow of a contributor to whom subsection (1) applies to the extent that the contributor was in receipt of a pension pursuant to an election made by the contributor pursuant to subsection (2).

(6) The amount of assurance benefit to which a widow of such a contributor is entitled shall be an amount determined by the actuary and approved by the board.

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(6A) The rate per fortnight of pension that a widow may, pursuant to section 34B, receive in lieu of assurance benefit derived through a contributor to whom subsection (1) applies shall be a rate determined by the actuary and approved by the board.

(7) A contributor to whom subsection (1) applies who, pursuant to section 57, is, on retirement, maintaining an amount of benefit under the repealed Act (in this section called “**assurance benefit**”) may apply to the board within 1 month after the date of the contributor’s retirement to convert that benefit to a benefit payable on retirement and the board may convert that benefit accordingly upon such terms and conditions as are determined by the actuary and approved by the board.

(7A) Where a benefit under the repealed Act referred to in subsection (7) that could be converted as provided by that subsection is not converted, the amount thereof payable at the death or at the age of 65 years or prior death of the contributor shall be such amount as is determined by the actuary and approved by the board.

(8) Section 38(2) and (2A) apply to a contributor who has duly made an election pursuant to subsection (2) as if the reference therein to ‘the age of 65 years’ were a reference to the contributor’s age at the date of retirement and the reference to ‘the rate of \$3.84 per fortnight per unit of annuity benefit’ were a reference to the rate of pension calculated in accordance with subsection (2).

(9) Section 55(1) applies to a contributor to whom subsection (1) applies as if the reference therein to ‘the age of 65 years’ were a reference to the contributor’s age at the date of retirement and the reference to ‘annuity benefit at the rate per unit of \$1.34 per fortnight and no more’ were a reference to such amount as is determined by the actuary and approved by the board.

(10) Sections 38(1) and (1A), 38A(1) and 39 do not apply to a contributor to whom subsection (1) applies.

Benefits upon retrenchment, involuntary termination etc.

77C.(1) Where a contributor ceases to be an officer—

- (a) by way of retrenchment duly effected in accordance with arrangements approved by the Governor in Council in relation to

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contributors of the class of that contributor; or

- (b) by way of involuntary termination of employment other than by way of dismissal for misconduct or on the ground of incapacity;

the contributor is entitled to the payment of an amount calculated in accordance with the formula—

$$A = \frac{B \times C}{D} [1 - .02 (55 - E)]$$

(2) In subsection (1)—

“A” means the amount payable.

“B” means the benefit to which the contributor would have been entitled had the contributor retired upon attaining the age of 55 years.

“C” means the period expressed in years for which the contributor has contributed to the fund to the date of retrenchment or involuntary termination other than by way of dismissal for misconduct or on the ground of incapacity.

“D” means the period expressed in years for which the contributor would have contributed to the fund had the contributor retired upon attaining the age of 55 years.

“E” means the contributor’s age expressed in years and completed months at the date on which the contributor ceases to be an officer.

Recoupment of contributions

77D. Where—

- (a) between 1 July 1989 and the commencement of this section a contributor, who was employed under a contract of employment in accordance with the *Public Sector management and Employment Act 1988*, has received a sum of money which in the opinion of the board is equivalent to a sum of money representing a refund of contributions payable to the contributor under sections 38, 38A and 39; and
- (b) the Minister issues a direction under this section;

the board—

- (c) is to calculate the sum of money to which the contributor would

have been entitled under section 77C(1)(b); and

- (d) is to pay from the fund to the consolidated fund a sum of money equivalent to the sum of money calculated in accordance with paragraph (a) less a sum of money representing a refund of contributions payable to the contributor under sections 38, 38A and 39.

Acceptance of election outside prescribed period

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

- (a) hardship would accrue to a person or the person's dependants if the same were not recognised; and
- (b) in all the circumstances of the case it is desirable that the same should be recognised;

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

Question as to incapacity etc. determined by board on medical practitioner's report

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

Requirements as respects medical examinations

79A.(1) Notwithstanding anything to the contrary contained in this Act and subject to sections 43E and 44, where any person, officer or contributor is required by or under this Act—

- (a) to be medically examined by a medical practitioner; or
- (b) to produce any medical evidence;

then a medical examination is to be made by, or, as the case requires medical evidence is to be obtained from, such medical practitioner as the board may appoint in that behalf (whether by naming the medical practitioner or by reference to the holder for the time being of any office), and a report of the medical examination or, as the case may be, the medical evidence is to be furnished by the medical practitioner or holder of the office to the board or, if the board so specifies, then to the person or authority specified.

(2) However, where permitted by this Act and without derogating from the board's discretion to accept or to refuse to accept the result of that further medical examination or that further medical evidence, the person, officer or contributor may have a further medical examination made or, as the case requires, further medical evidence obtained from some other medical practitioner.

Barring of claims for compensation

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

Fund to be exempt from taxation

83.(1) The income of the fund shall not be subject to any tax imposed by any law of this State.

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

Audit

84. The accounts of the board shall be audited by the auditor-general who shall have, with respect to such audit and accounts, all of the powers and authorities conferred on the auditor-general by the *Financial Administration and Audit Act 1977*.

Governor in Council may authorise additional payment to beneficiaries

85.(1) Where, having regard to the objects of this Act, the Governor in Council deems fit the Governor in Council may authorise the board to pay from the fund the additional amount prescribed by this section (and thereupon the board may pay from the fund such additional amount) to any person or to persons included in any class of persons specified by the Governor in Council who is or are in receipt of annuity benefit under this Act or under the repealed Act, or of incapacity benefit under this Act, or incapacity allowance under the repealed Act, but to whom the additional amount prescribed by section 60(2) or, as the case may be, section 61(2) is not payable.

(1A) The additional amount payable under this section shall not exceed, in respect of incapacity allowance under the repealed Act at the rate of \$80 per unit, the rate of \$380 per annum and, in any other case, the rate of \$475 per annum.

(2) In respect of all additional amounts paid from the fund as prescribed by subsection (1) the Crown shall pay an equal sum.

Information to contributors

85A. The board is to supply in writing to each contributor—

- (a) after the close of each financial year; and
- (b) upon ceasing to be a contributor;

a statement containing such information as the board considers necessary or desirable to give that contributor reasonable knowledge of that contributor's entitlements from the fund.

Regulation making power

86.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about any of the following matters—

- (a) for contributors or persons who have retired because of incapacity—
 - (i) the cancellation or suspension of incapacity benefits or other payments; and
 - (ii) conditions about the resumption of payments of contribution and the making of additional units of benefit on re-employment;
- (b) if an officer may make an election and this Act does not state the time within which it may be made—the time within which it must be made and the conditions on which it may be made;
- (c) the conduct of the business of the board, the procedure at meetings, and the powers and duties of the chairperson;
- (d) how benefits are paid;
- (e) how accounts are kept;
- (f) the duties of the manager and other officers appointed under this Act;
- (g) payments by contributors absent on leave without salary;
- (h) the rates of contributions payable;
- (i) the amounts of annuity benefit, incapacity benefit and assurance benefit payable;
- (j) the amounts of an allowance, pension or other amount payable under the repealed Act;
- (k) the surrender values of an allowance, pension or other amount payable under the repealed Act;
- (l) whether a contributor or other person receiving an allowance, pension or other amount payable under the repealed Act has been, is or may become a contributor.

(3) A regulation may create offences and prescribe penalties of not more than 2 penalty units for each offence.

(4) To ensure the fund is, or continues to be, a complying superannuation fund under the *Superannuation Industry (Supervision) Act 1993* (Cwlth), a regulation may change the application of this Act to the fund.

(5) For subsection (4), a regulation may be given retrospective operation.

(6) A regulation made under subsection (4) expires 1 year after it is made.

Board may approve forms

87. The board may approve forms for use under this Act.

SCHEDULE 1**SCALE OF UNITS OF BENEFITS**

section 22

Column 1		Column 2	Column 3		
Fortnightly salary		No. of units of annuity, incapacity, and (males only) assurance benefits respectively	Fortnightly amount of benefits		
Exceeding	Not exceeding		Annuity	Incapacity	Assurance
\$	\$		\$	\$	\$
	12.20	2	7.68	7.68	5.12
12.20	17.00	3	11.52	11.52	7.68
17.00	21.80	4	15.36	15.36	10.24
21.80	26.70	5	19.20	19.20	12.80
26.70	31.50	6	23.04	23.04	15.36
31.50	36.30	7	26.88	26.88	17.92
36.30	41.10	8	30.72	30.72	20.48
41.10	46.00	9	34.56	34.56	23.04
46.00	50.80	10	38.40	38.40	25.60
50.80	55.60	11	42.24	42.24	28.16
55.60	60.50	12	46.08	46.08	30.72
60.50	65.30	13	49.92	49.92	33.28
65.30	70.10	14	53.76	53.76	35.84
70.10	74.90	15	57.60	57.60	38.40
74.90	79.80	16	61.44	61.44	40.96
79.80	84.60	17	65.28	65.28	43.52
84.60	89.40	18	69.12	69.12	46.08
89.40	94.30	19	72.96	72.96	48.64

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SCHEDULE 1 (continued)

94.30	99.10	20	76.80	76.80	51.20
99.10	106.30	21	80.64	80.64	53.76
106.30	113.50	22	84.48	84.48	56.32
113.50	120.70	23	88.32	88.32	58.88
120.70	127.90	24	92.16	92.16	61.44
127.90	135.10	25	96.00	96.00	64.00
135.10	142.30	26	99.84	99.84	66.56
142.30	149.50	27	103.68	103.68	69.12
149.50	156.70	28	107.52	107.52	71.68
156.70	163.90	29	111.36	111.36	74.24
163.90	171.10	30	115.20	115.20	76.80
171.10	178.30	31	119.04	119.04	79.36
178.30	185.50	32	122.88	122.88	81.92
185.50	192.70	33	126.72	126.72	84.48
192.70	199.90	34	130.56	130.56	87.04
199.90	207.10	35	134.40	134.40	89.60
207.10	214.30	36	138.24	138.24	92.16
214.30	221.50	37	142.08	142.08	94.72
221.50	228.70	38	145.92	145.92	97.28
228.70	235.90	39	149.76	149.76	99.84
235.90	243.10	40	153.60	153.60	102.40
243.10	250.30	41	157.44	157.44	104.96
250.30	257.50	42	161.28	161.28	107.52
257.50	264.70	43	165.12	165.12	110.08
264.70	271.90	44	168.96	168.96	112.64
271.90	279.10	45	172.80	172.80	115.20
279.10	286.30	46	176.64	176.64	117.76
286.30	293.50	47	180.48	180.48	120.32
293.50	300.70	48	184.32	184.32	122.88
300.70	307.90	49	188.16	188.16	125.44
307.90	315.10	50	192.00	192.00	128.00
315.10	322.30	51	195.84	195.84	130.56
322.30	329.50	52	199.68	199.68	133.12
329.50	336.70	53	203.52	203.52	135.68
336.70	343.90	54	207.36	207.36	138.24
343.90	351.10	55	211.20	211.20	140.80
351.10	358.30	56	215.04	215.04	143.36
358.30	365.50	57	218.88	218.88	145.92
365.50	372.70	58	222.72	221.72	148.48

SCHEDULE 1 (continued)

372.70	.....	379.90	.....	59	.....	226.56	..	226.56	.....	151.04
379.90	.....	386.40	.....	60	.....	230.40	..	230.40	.....	153.60
386.40	.....	392.80	.....	61	.....	234.24	..	234.24	.....	156.16
392.80	.....	399.20	.....	62	.....	238.08	..	238.08	.....	158.72
399.20	.....	405.60	.....	63	.....	241.92	..	241.92	.....	161.28
405.60	.....	412.00	.....	64	.....	245.76	..	245.76	.....	163.84
412.00	.....	418.40	.....	65	.....	249.60	..	249.60	.....	166.40
418.40	.....	424.80	.....	66	.....	253.44	..	253.44	.....	168.96
424.80	.....	431.10	.....	67	.....	257.28	..	257.28	.....	171.52
431.10	.....	437.40	.....	68	.....	261.12	..	261.12	.....	174.08
437.40	.....	443.80	.....	69	.....	264.96	..	264.96	.....	176.64
443.80	.....	450.20	.....	70	.....	268.80	..	268.80	.....	179.20
450.20	.....			71+A*	.....	3.84 x	..	3.84 x	.....	2.56 x
						(71+A*)	..	(71+A*)	..	(71+A*)

*A denotes the number of times (disregarding any fraction less than 1) by which the fortnightly salary of the contributor exceeds the sum of \$450.20 by the sum of \$6.38.

SCHEDULE 2

section 27

PART 1—MALE CONTRIBUTORS

Division 1—Rates of contribution to be paid fortnightly for units of benefit effected at ages not over 60¹/₂ years

Age at nearest birthday when contribution for unit commences	Per unit of annuity benefit	Per unit of incapacity benefit	Per unit of assurance benefit	
			1st, 2nd, 3rd and 4th units	5th and each subsequent unit
	\$	\$	\$	\$
15	0.06	0.02	0.04	0.03
16	0.07	0.02	0.04	0.03
17	0.07	0.02	0.05	0.04
18	0.07	0.02	0.05	0.04
19	0.08	0.02	0.05	0.04
20	0.08	0.02	0.05	0.04
21	0.08	0.02	0.05	0.05
22	0.09	0.02	0.06	0.05
23	0.10	0.02	0.06	0.05
24	0.10	0.02	0.07	0.05
25	0.11	0.02	0.07	0.06
26	0.11	0.02	0.07	0.06
27	0.12	0.02	0.08	0.07
28	0.13	0.02	0.08	0.07
29	0.14	0.03	0.08	0.07
30	0.15	0.03	0.08	0.07

SCHEDULE 2 (continued)

31	0.16	0.03	0.09	0.08
32	0.16	0.03	0.10	0.08
33	0.18	0.03	0.10	0.09
34	0.19	0.03	0.11	0.09
35	0.20	0.03	0.11	0.10
36	0.22	0.03	0.12	0.10
37	0.23	0.04	0.12	0.11
38	0.25	0.04	0.13	0.11
39	0.27	0.04	0.14	0.12
40	0.29	0.04	0.15	0.13
41	0.31	0.05	0.15	0.14
42	0.34	0.05	0.16	0.15
43	0.36	0.05	0.17	0.15
44	0.39	0.05	0.18	0.16
45	0.43	0.05	0.19	0.18
46	0.47	0.06	0.20	0.19
47	0.51	0.06	0.21	0.20
48	0.56	0.07	0.23	0.21
49	0.62	0.07	0.24	0.23
50	0.69	0.07	0.26	0.24
51	0.76	0.08	0.28	0.26
52	0.84	0.08	0.30	0.28
53	0.94	0.08	0.32	0.31
54	1.06	0.09	0.34	0.33
55	1.21	0.10	0.38	0.36
56	1.39	0.10	0.41	0.40
57	1.62	0.11	0.46	0.44
58	1.93	0.11	0.52	0.50
59	2.36	0.12	0.59	0.57
60	2.90	0.13	0.69	0.67

SCHEDULE 2 (continued)

Division 2—Rates of contribution to be paid fortnightly for units of benefit effected at ages over 60¹/₂ years

Age to nearest month when contribution for unit commences	Maximum number of contributions payable	Per unit of annuity benefit	Per unit of incapacity benefit	Per unit of assurance benefit	
				1st, 2nd, 3rd and 4th	5th and each subsequent unit
years months		\$	\$	\$	\$
60 .. 6	117	3.37	0.13	0.77	0.75
60 .. 7	115	3.43	0.13	0.78	0.76
60 .. 8	113	3.51	0.13	0.79	0.77
60 .. 9	110	3.63	0.14	0.81	0.78
60 .. 10	108	3.72	0.14	0.82	0.80
60 .. 11	106	3.81	0.14	0.84	0.81
61 .. 0	104	3.91	0.14	0.85	0.83
61 .. 1	102	3.99	0.14	0.86	0.84
61 .. 2	100	4.08	0.14	0.88	0.85
61 .. 3	97	4.22	0.14	0.90	0.88
61 .. 4	95	4.32	0.14	0.92	0.90
61 .. 5	93	4.42	0.14	0.94	0.91
61 .. 6	91	4.54	0.14	0.96	0.93
61 .. 7	89	4.65	0.14	0.98	0.95
61 .. 8	86	4.82	0.14	1.01	0.98
61 .. 9	84	4.95	0.15	1.03	1.01
61 .. 10	82	5.08	0.15	1.05	1.03
61 .. 11	80	5.23	0.15	1.08	1.05
62 .. 0	78	5.37	0.15	1.10	1.08
62 .. 1	76	5.53	0.15	1.13	1.11
62 .. 2	73	5.78	0.15	1.18	1.15
62 .. 3	71	5.96	0.15	1.21	1.18
62 .. 4	69	6.17	0.15	1.24	1.21
62 .. 5	67	6.39	0.15	1.27	1.25

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SCHEDULE 2 (continued)

62	..	6	65	6.60	0.15	1.31	1.28
62	..	7	63	6.84	0.15	1.34	1.31
62	..	8	60	7.20	0.16	1.40	1.37
62	..	9	....	58	.....	7.48	.....	0.16	.....	1.45	.....	1.42
62	..	10	...	56	.....	7.78	.....	0.16	.....	1.49	.....	1.46
62	..	11	...	54	.....	8.10	.....	0.16	.....	1.54	.....	1.51
63	..	0	....	52	.....	8.45	.....	0.16	.....	1.60	.....	1.57
63	..	1	....	50	.....	8.80	.....	0.16	.....	1.66	.....	1.63
63	..	2	....	47	.....	9.39	.....	0.16	.....	1.76	.....	1.72
63	..	3	....	45	.....	9.83	.....	0.16	.....	1.83	.....	1.79
63	..	4	....	43	.....	10.31	.....	0.16	.....	1.91	.....	1.87
63	..	5	....	41	.....	10.84	.....	0.16	.....	2.00	.....	1.96
63	..	6	....	39	.....	11.43	.....	0.17	.....	2.09	.....	2.05
63	..	7	....	36	.....	12.42	.....	0.17	.....	2.26	.....	2.22
63	..	8	....	34	.....	13.19	.....	0.17	.....	2.38	.....	2.34
63	..	9	....	32	.....	14.05	.....	0.17	.....	2.53	.....	2.48
63	..	10	...	30	.....	15.03	.....	0.17	.....	2.69	.....	2.64
63	..	11	...	28	.....	16.03	.....	0.17	.....	2.87	.....	2.82
64	..	0	....	26	.....	17.42	.....	0.17	.....	3.08	.....	3.03
64	..	1	....	23	.....	19.70	.....	0.16	.....	3.44	.....	3.38
64	..	2	....	21	.....	21.57	.....	0.15	.....	3.71	.....	3.65
64	..	3	....	19	.....	23.68	.....	0.13	.....	4.04	.....	3.98
64	..	4	....	17	.....	26.12	.....	0.11	.....	4.45	.....	4.38
64	..	5	....	15	.....	28.89	.....	0.10	.....	4.98	.....	4.89
64	..	6	....	13	.....	32.49	.....	0.08	.....	5.66	.....	5.57
64	..	7	....	10	.....	41.75	.....	0.08	.....	7.25	.....	7.13
64	..	8	....	8	.....	51.55	.....	0.06	.....	8.92	.....	8.78
64	..	9	....	6	.....	67.90	.....	0.05	.....	11.71	.....	11.53
64	..	10	...	4	.....	97.55	.....	0.03	.....	16.66	.....	16.41
64	..	11	...	2	.....	195.40	.....	0.02	.....	33.38	.....	32.88
65	..	0	....	1	.....	392.30	...	67.00	.....	66.00		

SCHEDULE 2 (continued)

PART 2—FEMALE CONTRIBUTORS*Division 1—Rates of contribution to be paid fortnightly for benefits effected at ages not over 60½ years*

Age at nearest birthday when contribution for unit commences	Per unit of annuity benefit \$	Per unit of incapacity benefit \$
15	0.07	0.03
16	0.08	0.03
17	0.08	0.03
18	0.09	0.03
19	0.09	0.03
20	0.10	0.03
21	0.10	0.03
22	0.11	0.03
23	0.11	0.03
24	0.12	0.03
25	0.13	0.03
26	0.14	0.04
27	0.15	0.04
28	0.16	0.04
29	0.16	0.04
30	0.18	0.04
31	0.19	0.04
32	0.20	0.05
33	0.21	0.05
34	0.23	0.05
35	0.24	0.05
36	0.26	0.05
37	0.28	0.05

SCHEDULE 2 (continued)

38	0.30	0.05
39	0.32	0.06
40	0.34	0.06
41	0.37	0.06
42	0.40	0.06
43	0.43	0.07
44	0.46	0.07
45	0.50	0.07
46	0.55	0.07
47	0.60	0.08
48	0.66	0.08
49	0.72	0.08
50	0.79	0.09
51	0.87	0.09
52	0.97	0.10
53	1.09	0.10
54	1.23	0.10
55	1.39	0.11
56	1.61	0.11
57	1.87	0.12
58	2.20	0.13
59	2.64	0.14
60	3.32	0.15

SCHEDULE 2 (continued)

Division 2—Rates of contribution to be paid fortnightly for benefits effected at ages over 60½ years

Age to nearest month when contribution for unit commences		Maximum number of contributions payable	Per unit of annuity benefit	Per unit of incapacity benefit
years	months		\$	\$
60	.. 6	117	3.88	0.15
60	.. 7	115	3.99	0.15
60	.. 8	113	4.11	0.15
60	.. 9	110	4.25	0.15
60	.. 10	108	4.37	0.15
60	.. 11	106	4.48	0.15
61	.. 0	104	4.60	0.15
61	.. 1	102	4.70	0.15
61	.. 2	100	4.80	0.15
61	.. 3	97	4.96	0.16
61	.. 4	95	5.08	0.16
61	.. 5	93	5.19	0.16
61	.. 6	91	5.32	0.16
61	.. 7	89	5.45	0.16
61	.. 8	86	5.66	0.16
61	.. 9	84	5.80	0.16
61	.. 10	82	5.96	0.16
61	.. 11	80	6.12	0.16
62	.. 0	78	6.29	0.16
62	.. 1	76	6.48	0.16
62	.. 2	73	6.77	0.17
62	.. 3	71	6.99	0.17
62	.. 4	69	7.20	0.17
62	.. 5	67	7.45	0.17
62	.. 6	65	7.71	0.17
62	.. 7	63	7.98	0.17

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SCHEDULE 2 (continued)

62	..	8	60	8.40	0.17
62	..	9	58	8.72	0.17
62	..	10	56	9.05	0.17
62	..	11	54	9.43	0.17
63	..	0	.....	52	.....	9.82	.....	0.17
63	..	1	.....	50	.....	10.23	.....	0.17
63	..	2	.....	47	.....	10.91	.....	0.18
63	..	3	.....	45	.....	11.42	.....	0.18
63	..	4	.....	43	.....	11.97	.....	0.18
63	..	5	.....	41	.....	12.59	.....	0.18
63	..	6	.....	39	.....	13.26	.....	0.18
63	..	7	.....	36	.....	14.40	.....	0.18
63	..	8	.....	34	.....	15.28	.....	0.18
63	..	9	.....	32	.....	16.28	.....	0.18
63	..	10	.....	30	.....	17.39	.....	0.19
63	..	11	.....	28	.....	18.68	.....	0.19
64	..	0	.....	26	.....	20.15	.....	0.18
64	..	1	.....	23	.....	22.81	.....	0.18
64	..	2	.....	21	.....	24.86	.....	0.16
64	..	3	.....	19	.....	27.09	.....	0.14
64	..	4	.....	17	.....	29.51	.....	0.13
64	..	5	.....	15	.....	32.34	.....	0.11
64	..	6	.....	13	.....	36.69	.....	0.09
64	..	7	.....	10	.....	46.95	.....	0.08
64	..	8	.....	8	.....	57.70	.....	0.07
64	..	9	.....	6	.....	75.65	.....	0.05
64	..	10	.....	4	.....	107.00	.....	0.03
64	..	11	.....	2	.....	214.40	.....	0.02
65	..	0	.....	1	.....	430.40	.....

SCHEDULE 2A

section 27

**PART 1—RATES OF CONTRIBUTION TO BE PAID
FORTNIGHTLY FOR UNITS OF BENEFIT
EFFECTED AT AGES NOT OVER 60¹/₂ YEARS**

Age at nearest birthday when contribution for unit commences	Males				Females	
	Per unit of annuity benefit	Per unit of incapacity benefit	Per unit of assurance benefit	Per unit of annuity benefit	Per unit of incapacity benefit	
			Each of first 4 units	5th and each subsequent unit		
	\$	\$	\$	\$	\$	\$
15	0.06 ..	0.02 . . .	0.05 . . .	0.04	0.07	0.03
16	0.07 ..	0.02 . . .	0.05 . . .	0.04	0.08	0.03
17	0.07 ..	0.02 . . .	0.05 . . .	0.04	0.08	0.03
18	0.07 ..	0.02 . . .	0.05 . . .	0.04	0.09	0.03
19	0.08 ..	0.02 . . .	0.05 . . .	0.04	0.09	0.03
20	0.08 ..	0.02 . . .	0.06 . . .	0.05	0.10	0.03
21	0.08 ..	0.02 . . .	0.06 . . .	0.05	0.10	0.03
22	0.09 ..	0.02 . . .	0.06 . . .	0.05	0.11	0.03
23	0.10 ..	0.02 . . .	0.07 . . .	0.06	0.11	0.03
24	0.10 ..	0.02 . . .	0.07 . . .	0.06	0.12	0.03
25	0.11 ..	0.02 . . .	0.08 . . .	0.06	0.13	0.03
26	0.11 ..	0.02 . . .	0.09 . . .	0.07	0.14	0.04
27	0.12 ..	0.02 . . .	0.09 . . .	0.07	0.15	0.04
28	0.13 ..	0.02 . . .	0.09 . . .	0.07	0.16	0.04
29	0.14 ..	0.03 . . .	0.10 . . .	0.08	0.16	0.04

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SCHEDULE 2A (continued)

30	0.15	0.03	0.10	0.08	0.18	0.04
31	0.16	0.03	0.11	0.09	0.19	0.04
32	0.16	0.03	0.11	0.09	0.20	0.05
33	0.18	0.03	0.12	0.10	0.21	0.05
34	0.19	0.03	0.12	0.10	0.23	0.05
35	0.20	0.03	0.13	0.11	0.24	0.05
36	0.22	0.03	0.14	0.12	0.26	0.05
37	0.24	0.04	0.14	0.12	0.28	0.05
38	0.26	0.04	0.15	0.13	0.30	0.05
39	0.28	0.04	0.16	0.14	0.32	0.06
40	0.30	0.04	0.18	0.15	0.35	0.06
41	0.33	0.05	0.19	0.16	0.38	0.06
42	0.36	0.05	0.20	0.17	0.41	0.06
43	0.39	0.05	0.21	0.18	0.45	0.07
44	0.42	0.05	0.22	0.19	0.49	0.07
45	0.46	0.05	0.24	0.21	0.54	0.07
46	0.50	0.06	0.25	0.22	0.59	0.07
47	0.55	0.06	0.27	0.24	0.64	0.08
48	0.61	0.07	0.29	0.26	0.71	0.08
49	0.67	0.07	0.31	0.28	0.78	0.08
50	0.75	0.07	0.33	0.30	0.86	0.09
51	0.83	0.08	0.35	0.32	0.96	0.09
52	0.93	0.08	0.38	0.35	1.07	0.10
53	1.05	0.08	0.41	0.38	1.20	0.10
54	1.19	0.09	0.45	0.42	1.36	0.10
55	1.36	0.10	0.49	0.46	1.55	0.11
56	1.57	0.10	0.55	0.52	1.79	0.11
57	1.84	0.11	0.61	0.58	2.09	0.12
58	2.18	0.11	0.69	0.66	2.47	0.13
59	2.64	0.12	0.80	0.77	2.99	0.14
60	3.29	0.13	0.95	0.92	3.73	0.15

SCHEDULE 2A (continued)

**PART 2—RATES OF CONTRIBUTION TO BE PAID
FORTNIGHTLY FOR UNITS OF BENEFIT
EFFECTED AT AGES OVER 60½ YEARS**

		Males				Females		
Age to nearest month when contri- bution for unit commences	Maximum Per number of of contribu- tions payable	Per unit of annuity benefit	Per unit of incapacity benefit	Per unit of assurance benefit	of benefit	Per unit of annuity benefit	Per unit of incapacity benefit	
								Each of first 4 units	5th and each subse- quent unit
years	m'ths	\$	\$	\$	\$	\$	\$	
60 .	6 . . .	117 . . .	3.72 . . .	0.13 . . .	1.05 . . .	1.02 . . .	4.22 . . .	0.15
	7 . . .	115 . . .	3.80 . . .	0.13 . . .	1.07 . . .	1.03 . . .	4.30 . . .	0.15
	8 . . .	113 . . .	3.88 . . .	0.13 . . .	1.09 . . .	1.05 . . .	4.39 . . .	0.15
	9 . . .	110 . . .	3.99 . . .	0.14 . . .	1.12 . . .	1.08 . . .	4.53 . . .	0.15
	10 . .	108 . . .	4.08 . . .	0.14 . . .	1.14 . . .	1.10 . . .	4.62 . . .	0.15
	11 . .	106 . . .	4.17 . . .	0.14 . . .	1.16 . . .	1.12 . . .	4.73 . . .	0.15
61 .	0 . . .	104 . . .	4.26 . . .	0.14 . . .	1.18 . . .	1.14 . . .	4.83 . . .	0.15
	1 . . .	102 . . .	4.36 . . .	0.14 . . .	1.20 . . .	1.16 . . .	4.94 . . .	0.15
	2 . . .	100 . . .	4.46 . . .	0.14 . . .	1.22 . . .	1.18 . . .	5.06 . . .	0.15
	3 . . .	97 . . .	4.61 . . .	0.14 . . .	1.26 . . .	1.22 . . .	5.23 . . .	0.16
	4 . . .	95 . . .	4.72 . . .	0.14 . . .	1.28 . . .	1.24 . . .	5.36 . . .	0.16
	5 . . .	93 . . .	4.84 . . .	0.14 . . .	1.31 . . .	1.27 . . .	5.49 . . .	0.16
	6 . . .	91 . . .	4.96 . . .	0.14 . . .	1.33 . . .	1.29 . . .	5.63 . . .	0.16
	7 . . .	89 . . .	5.09 . . .	0.14 . . .	1.36 . . .	1.32 . . .	5.77 . . .	0.16
	8 . . .	86 . . .	5.28 . . .	0.14 . . .	1.41 . . .	1.37 . . .	5.99 . . .	0.16
	9 . . .	84 . . .	5.43 . . .	0.15 . . .	1.44 . . .	1.40 . . .	6.15 . . .	0.16
	10 . .	82 . . .	5.58 . . .	0.15 . . .	1.47 . . .	1.43 . . .	6.32 . . .	0.16
	11 . .	80 . . .	5.73 . . .	0.15 . . .	1.50 . . .	1.46 . . .	6.50 . . .	0.16

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SCHEDULE 2A (continued)

62 .	0	...	78	...	5.90	...	0.15	...	1.54	...	1.50	..	6.69	...	0.16
	1	...	76	...	6.07	...	0.15	...	1.58	...	1.54	..	6.89	...	0.16
	2	...	73	...	6.34	...	0.15	...	1.64	...	1.60	..	7.19	...	0.17
	3	...	71	...	6.54	...	0.15	...	1.69	...	1.64	..	7.41	...	0.17
	4	...	69	...	6.75	...	0.15	...	1.73	...	1.69	..	7.65	...	0.17
	5	...	67	...	6.98	...	0.15	...	1.78	...	1.74	..	7.90	...	0.17
	6	...	65	...	7.22	...	0.15	...	1.84	...	1.79	..	8.17	...	0.17
	7	...	63	...	7.47	...	0.15	...	1.89	...	1.84	..	8.45	...	0.17
	8	...	60	...	7.87	...	0.16	...	1.98	...	1.93	..	8.9	...	0.17
	9	...	58	...	8.16	...	0.16	...	2.05	...	2.00	..	9.24	...	0.17
	10	..	56	...	8.48	...	0.16	...	2.12	...	2.07	..	9.59	...	0.17
	11	..	54	...	8.82	...	0.16	...	2.20	...	2.14	..	9.98	...	0.17
63 .	0	...	52	...	9.19	...	0.16	...	2.28	...	2.22	..	10.39	..	0.17
	1	...	50	...	9.59	...	0.16	...	2.37	...	2.31	..	10.84	..	0.17
	2	...	47	...	10.23	..	0.16	...	2.52	...	2.45	..	11.58	..	0.18
	3	...	45	...	10.72	..	0.16	...	2.62	...	2.56	..	12.13	..	0.18
	4	...	43	...	11.25	..	0.16	...	2.74	...	2.67	..	12.74	..	0.18
	5	...	41	...	11.84	..	0.16	...	2.87	...	2.80	..	13.41	..	0.18
	6	...	39	...	12.48	..	0.17	...	3.01	...	2.94	..	14.15	..	0.18
	7	...	36	...	13.57	..	0.17	...	3.26	...	3.18	..	15.38	..	0.18
	8	...	34	...	14.41	..	0.17	...	3.45	...	3.36	..	16.34	..	0.18
	9	...	32	...	15.35	..	0.17	...	3.66	...	3.57	..	17.43	..	0.18
	10	..	30	...	16.43	..	0.17	...	3.89	...	3.80	..	18.65	..	0.19
	11	..	28	...	17.65	..	0.17	...	4.17	...	4.07	..	20.05	..	0.19
64 .	0	...	26	...	19.07	..	0.17	...	4.48	...	4.38	..	21.67	..	0.18
	1	...	23	...	21.47	..	0.16	...	5.03	...	4.92	..	24.35	..	0.18
	2	...	21	...	23.42	..	0.15	...	5.48	...	5.36	..	26.51	..	0.16
	3	...	19	...	25.78	..	0.13	...	6.01	...	5.88	..	29.12	..	0.14
	4	...	17	...	28.70	..	0.11	...	6.68	...	6.54	..	32.34	..	0.13
	5	...	15	...	32.39	..	0.10	...	7.52	...	7.36	..	36.43	..	0.11
	6	...	13	...	37.22	..	0.08	...	8.62	...	8.44	..	41.77	..	0.09
	7	...	10	...	48.19	..	0.08	...	11.13	..	10.91	..	53.97	..	0.08
	8	...	8	...	59.99	..	0.06	...	13.98	..	13.55	..	67.03	..	0.07
	9	...	6	...	79.66	..	0.05	...	18.30	..	17.95	..	88.81	..	0.05
	10	..	4	...	118.99	..	0.03	...	27.27	..	26.75	..	132.37	..	0.03
	11	..	2	...	237.00	..	0.02	...	54.17	..	53.15	..	263.05	..	0.02

SCHEDULE 2A (continued)

65 . 0 1 472.00 107.60 . 105.60 522.70

SCHEDULE 4**VALUE PER UNIT OF ASSURANCE IN RESPECT OF
CONTRIBUTORS WHO DIE BEFORE AGE 60**

section 34

Contributor's age nearest birthday at date of death	Value
	\$
Up to 25	468
26	481
27	494
28	508
29	521
30	534
31	548
33	574
34	588
35	601
36	614
37	628
38	641
39	655
40	668
41	681
42	695
43	708
44	721
45	735
46	748
47	755
48	763
49	770
50 to 60	777

SCHEDULE 4A

**VALUE PER UNIT OF ASSURANCE IN RESPECT OF
CONTRIBUTORS WHO DIE AT AGE OF 60 OR
BETWEEN 60 AND 65**

section 34

Contributor's age in years and completed months at date of death		Value
years	months	\$
60	0	777
	1	777
	2	777
	3	777
	4	777
	5	777
	6	777
	7	777
	8	777
	9	777
	10	777
	11	777
61	0	777
	1	777
	2	777
	3	777
	4	777
	5	777
	6	777
	7	777
	8	776
	9	776
	10	776

SCHEDULE 4A (continued)

	11	776
62	0	776
	1	776
	2	776
	3	775
	4	775
	5	775
	6	775
	7	774
	8	774
	9	774
	10	774
	11	773
63	0	773
	1	773
	2	773
	3	772
	4	772
	5	772
	6	772
	7	771
	8	771
	9	771
	10	771
	11	770
64	0	770
	1	770
	2	770
	3	770
	4	769
	5	769
	6	769
	7	769
	8	769
	9	768

SCHEDULE 4A (continued)

10	768
11	768

SCHEDULE 4B**FACTORS FOR WIDOWS OF PENSIONERS**

section 34

Widow's age nearest birthday at date of death of pensioner	Factor
Up to 24	401
25 to 29	468
30 to 34	534
35 to 39	601
40 to 59	668
60 to 64	601
65 to 69	534
70 to 74	468
75 to 79	401
80 to 82	334
83 to 85	284
86 to 88	250
89 to 91	217
92 to 94	184
95 to 97	150
98 to 100	117

SCHEDULE 5

section 77B(1)

**PART 1—VALUE PER UNIT OF ANNUITY BENEFIT
OF MALE CONTRIBUTORS WHO RETIRE
BETWEEN AGES 55 AND 60**

Contributor's age in years and completed months at date of retirement		Value
years	months	\$
55	0	500
	1	508
	2	517
	3	525
	4	533
	5	542
	6	550
	7	558
	8	567
	9	575
	10	583
	11	592
56	0	600
	1	608
	2	617
	3	625
	4	633
	5	642
	6	650
	7	658
	8	667
	9	675

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SCHEDULE 5 (continued)

	10	683
	11	692
57	0	700
	1	708
	2	717
	3	725
	4	733
	5	742
	6	750
	7	758
	8	767
	9	775
	10	783
	11	792
58	0	800
	1	808
	2	817
	3	825
	4	833
	5	842
	6	850
	7	858
	8	867
	9	875
	10	883
	11	892
59	0	900
	1	911
	2	923
	3	934
	4	945
	5	957
	6	968
	7	979
	8	991
	9	1002

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SCHEDULE 5 (continued)

	9	800
	10	808
	11	817
57	0	825
	1	833
	2	842
	3	850
	4	858
	5	867
	6	875
	7	883
	8	892
	9	900
	10	908
	11	917
58	0	925
	1	933
	2	942
	3	950
	4	958
	5	967
	6	975
	7	983
	8	992
	9	1000
	10	1008
	11	1017
59	0	1025
	1	1037
	2	1048
	3	1060
	4	1071
	5	1083
	6	1094
	7	1106
	8	1117

SCHEDULE 5 (continued)

9	1129
10	1140
11	1152

SCHEDULE 6 (continued)

	10	346
	11	345
57	0	344
	1	344
	2	343
	3	342
	4	341
	5	340
	6	339
	7	338
	8	337
	9	337
	10	336
	11	335
58	0	334
	1	333
	2	332
	3	331
	4	331
	5	330
	6	329
	7	328
	8	327
	9	326
	10	325
	11	324
59	0	324
	1	323
	2	322
	3	321
	4	320
	5	319
	6	318
	7	317
	8	317
	9	316

SCHEDULE 6 (continued)

10	315
11	314

PART 2—FEMALE CONTRIBUTORS**Factors for converting lump sum benefits to pension benefits of contributors who retire between ages 55 and 60**

Contributor's age in years and completed months at date of retirement	Factor
--	---------------

years	months	
55	0	391
	1	391
	2	390
	3	389
	4	388
	5	387
	6	386
	7	385
	8	384
	9	384
	10	383
	11	382
56	0	381
	1	380
	2	379
	3	378
	4	377
	5	377
	6	376

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 9 April 1997. Future amendments of the Public Service Superannuation Act 1958 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 58 of 1995	22 December 1995

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	1
Changed citations and remade laws	1
Obsolete and redundant provisions	1
Corrected minor errors	1
Renumbered provisions	1

6 List of legislation

Public Service Superannuation Act 1958 7 Eliz 2 No. 73

date of assent 19 December 1958

s 85A(1) commenced 1 July 1990 (see s 85A(2))

remaining provisions commenced 1 April 1959 (see s 1(2))

as amended by—

Public Service Superannuation Act Amendment Act 1960 9 Eliz 2 No. 39

date of assent 14 December 1960

s 18 commenced 1 July 1961 (see s 18(1))

remaining provisions commenced on date of assent

Public Service Superannuation Acts Amendment Act 1962 No. 31

date of assent 18 December 1962

ss 3–5 commenced 1 January 1963 (see s 2(1))

remaining provisions commenced on date of assent

Public Service Superannuation Acts Amendment Act 1964 No. 21

date of assent 8 April 1964

commenced on date of assent

Public Service Superannuation Acts Amendment Act 1964 (No. 2) No. 57

date of assent 21 December 1964

s 3 commenced 1 April 1965 (see s 3(2))

remaining provisions commenced 1 January 1965 (see s 2(1))

Public Service Superannuation Acts Amendment Act 1965 No. 53

date of assent 16 December 1965

commenced on date of assent

Decimal Currency Act 1965 No. 61 s 11 sch 2

date of assent 23 December 1965

commenced 14 February 1966 (see s 1(2))

Public Service Superannuation Acts Amendment Act 1966 No. 32

date of assent 21 December 1966

commenced 3 January 1967 (see s 2(1))

Public Service Superannuation Act Amendment Act 1968 No. 59

date of assent 24 December 1968

s 5 commenced 1 January 1969 (see s 5(2))

remaining provisions commenced 31 December 1968 (see s 2(1))

Public Service Superannuation Act Amendment Act 1969 No. 19

date of assent 17 December 1969

s 4 commenced 1 January 1970 (see s 4(2))

remaining provisions commenced 30 December 1969 (see s 2)

State Service Superannuation Act 1972 No. 22 pt 7

date of assent 19 December 1972

commenced 1 January 1973 (see s 1(2))

Superannuation Acts Amendment Act 1974 No. 20 pt 3

date of assent 24 April 1974
for commencement of s 29(1)(a) see s 29(2)
s 30 commenced 1 July 1974 (see s 30(2))
remaining provisions commenced on date of assent

Superannuation Acts Amendment Act 1974 (No. 2) No. 66 pt 3

date of assent 30 October 1974
commenced on date of assent

Superannuation Acts Amendment Act 1975 No. 26 pt 3

date of assent 15 May 1975
commenced on date of assent

Superannuation Acts Amendment Act 1976 No. 82 pt 3

date of assent 16 December 1976
ss 36, 38 commenced 4 January 1977 (see s 3(2)(b))
remaining provisions commenced on date of assent (see s 3(1))

Superannuation Acts Amendment Act 1978 No. 20 pt 3

date of assent 2 June 1978
ss 31, 34 commenced 1 April 1978 (see s 2(2)(a))
remaining provisions commenced on date of assent (see s 2(1))

Superannuation Acts Amendment Act 1984 No. 14 pt 3

date of assent 27 February 1984
s 63 commenced 1 September 1981 (see s 2(2))
remaining provisions commenced on date of assent (see s 2(1))

**Superannuation (Public Employees Portability and Acts Amendment) Act 1985
No. 35 pt 4**

date of assent 17 April 1985
ss 1–2 commenced on date of assent (see s 2(1))
remaining provisions commenced 4 May 1985 (proc pubd gaz 4 May 1985
p 307)

Superannuation Acts Amendment Act 1987 No. 27 pt 3

date of assent 23 April 1987
commenced on date of assent

Superannuation Acts Amendment Act 1987 (No. 2) No. 64 pt 3

date of assent 16 November 1987
commenced 1 January 1988 (see s 19)

Superannuation Acts Amendment Act 1988 No. 45 pt 3

date of assent 3 May 1988
commenced on date of assent

Superannuation Acts Amendment Act 1989 No. 54 pt 3

date of assent 5 May 1989
commenced 12 June 1989 (proc pubd gaz 10 June 1989 p 918)

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989
 commenced on date of assent

Superannuation Acts (Miscellaneous Amendments) Act 1990 No. 23 pt 2

date of assent 13 June 1990
 ss 1.1–1.2 commenced on date of assent (see s 1.2(1))
 remaining provisions commenced 14 June 1990 (proc pubd gaz 14 June 1990
 p 833)

Superannuation (Miscellaneous Acts) Amendment Act 1991 No. 11 pt 2

date of assent 15 April 1991
 s 2.1 commenced on date of assent (see s 1.2(1))
 ss 2.2, 2.4–2.6, 2.7(d) and 2.8 commenced 11 May 1991 (proc pubd gaz 4 May
 1991 p 73)
remaining provisions not yet proclaimed into force

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 sch 2

date of assent 17 December 1991
 commenced on date of assent

Superannuation Legislation Amendment Act 1995 No. 27 pts 1, 7

date of assent 14 June 1995
 ss 1–2 commenced on date of assent
 s 35 commenced 14 February 1997 (1997 SL No. 20)
 remaining provisions commenced 18 August 1995 (1995 SL No. 229)

Superannuation Legislation Amendment Act (No. 2) 1995 No. 53 pts 1, 5

date of assent 22 November 1995
 commenced on date of assent

Statute Law Revision (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

Health Legislation Amendment Act (No. 2) 1996 No. 61 ss 1–2, 15 sch

date of assent 9 December 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 20 December 1996 (1996 SL No. 402)

Workcover Queensland Act 1996 No. 75 ss 1–2, 535 sch 2

date of assent 12 December 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 February 1997 (1997 SL No. 442)

7 List of annotations**Short title**

s 1 amd R1 (see RA s 37)

Parts of Act

s 2 amd 1960 9 Eliz 2 No. 39 s 2; 1968 No. 59 s 3; 1969 No. 19 s 3
om 1991 No. 97 s 3 sch 2

Repeals and savings

s 3 om 1991 No. 97 s 3 sch 2

Interpretation

prov hdg sub 1987 No. 27 s 30(a)

s 4 amd 1974 No. 66 s 15 sch 2; 1976 No. 82 s 28(b); 1984 No. 14 s 47(b);
1987 No. 27 s 30(b)–(c); 1987 No. 64 s 24; 1991 No. 97 s 3 sch 2
def **“age for retirement”** ins 1975 No. 26 s 7
def **“board”** sub 1972 No. 22 s 74(1) sch 2
def **“child”** amd 1976 No. 82 s 28(a)
om 1978 No. 20 s 28(a)
def **“Division”** om 1995 No. 58 s 4 sch 1
def **“fund”** sub 1972 No. 22 s 74(1) sch 2
def **“involuntary termination of employment”** ins 1990 No. 23 s 2.2(a)
def **“manager”** sub 1972 No. 22 s 74(1) sch 2
def **“medical practitioner”** om 1995 No. 58 s 4 sch 1
def **“Minister”** amd 1966 No. 32 s 3(a)
om 1991 No. 97 s 3 sch 2
def **“net earning rate of the fund”** ins 1990 No. 23 s 2.2(b)
sub 1991 No. 11 s 2.2
def **“officer”** amd 1960 9 Eliz 2 No. 39 s 3; 1964 No. 57 s 3(1); 1968
No. 59 s 4(a); 1995 No. 27 s 32; 1996 No. 61 s 15 sch
def **“Part”** om 1991 No. 97 s 3 sch 2
def **“Person in receipt of benefit”** ins 1978 No. 20 s 28(b)
def **“Surrender value”** amd 1966 No. 32 s 3(b); 1968 No. 59 s 4(b)
om 1972 No. 22 s 74(1) sch 2
def **“the 1972 Act”** ins 1985 No. 35 s 28
amd 1989 No. 103 s 3 sch
def **“widow”** ins 1978 No. 20 s 28(c)
amd 1984 No. 14 s 47(a); 1989 No. 103 s 3 sch

Administration

s 5 om 1995 No. 27 s 33

Public Service Superannuation Board

s 6 amd 1964 No. 21 s 2
om 1972 No. 22 s 74(2)

Chairman of board

s 7 sub 1964 No. 21 s 3
om 1972 No. 22 s 74(2)

Tenure of office

s 8 amd 1964 No. 21 s 4
om 1972 No. 22 s 74(2)

Filling of certain vacancies

s 9 sub 1964 No. 21 s 5
om 1972 No. 22 s 74(2)

Temporary appointments

s 10 amd 1960 9 Eliz 2 No. 39 s 4
om 1972 No. 22 s 74(2)

Vacation of office

s 11 om 1972 No. 22 s 74(2)

Remuneration

s 12 om 1972 No. 22 s 74(2)

Manager of the fund

s 13 amd 1964 No. 21 s 6
om 1972 No. 22 s 74(2)

Proceedings of the board meetings

s 14 amd 1964 No. 21 s 7
om 1972 No. 22 s 74(2)

Cost of administration

s 15 om 1972 No. 22 s 74(2)

Reports by board

s 16 om 1972 No. 22 s 74(2)

Appointment of officers

s 17 om 1972 No. 22 s 74(2)

Fund

s 18 amd 1960 9 Eliz 2 No. 39 s 5; 1966 No. 32 s 4; 1968 No. 59 s 5(1); 1969
No. 19 s 4(1)
om 1972 No. 22 s 74(2)

Triennial investigation by an actuary

prov hdg sub 1990 No. 23 s 2.3
s 19 amd 1972 No. 22 s 74(1) sch 2; 1991 No. 11 s 2.9(a)

The Public Service Superannuation Additional Benefits Fund

s 19A ins 1960 9 Eliz 2 No. 39 s 6
amd 1964 No. 57 s 4; 1969 No. 19 s 5
om 1972 No. 22 s 74(2)

Commencement of contributions

s 20 amd 1960 9 Eliz 2 No. 39 s 7; 1964 No. 57 s 5; 1966 No. 32 s 5; 1972
No. 22 s 74(1) sch 2; 1974 No. 20 s 24; 1976 No. 82 s 29; 1978 No. 20
s 29; 1987 No. 27 ss 31–32; 1989 No. 54 s 14; 1990 No. 23 s 2.4

Salary for the purposes of this division

s 21 amd 1964 No. 57 s 6
sub 1966 No. 32 s 6

Scale of units of annuity, incapacity and, in the case of male officers, assurance benefits

s 22 amd 1964 No. 57 s 7; 1966 No. 32 s 7; 1969 No. 19 s 6; 1989 No. 103 s 3
sch

When officer may voluntarily increase contribution

s 22A ins 1960 9 Eliz 2 No. 39 s 8
amd 1964 No. 57 s 8; 1966 No. 32 s 8; 1969 No. 19 s 7

Power to board to exempt etc. from contributing

s 23 amd 1972 No. 22 s 74(1) sch 2; 1975 No. 26 s 8; 1990 No. 23 s 2.5

Officer reduced in salary

s 24 amd 1964 No. 57 s 9; 1966 No. 32 s 9; 1968 No. 59 s 6; 1972 No. 22 s 74(1) sch 2; 1976 No. 82 s 30; 1984 No. 14 s 48; 1987 No. 27 s 33; 1990 No. 23 s 2.6

Units of benefits to be contributed for in equal numbers

s 25 amd 1968 No. 59 s 7; 1969 No. 19 s 8

Period for which contributions are to continue

s 26 amd 1972 No. 22 s 74(1) sch 2; 1976 No. 82 s 31; 1978 No. 20 s 30; 1984 No. 14 s 49(1); 1987 No. 27 s 34; 1989 No. 54 s 15

Refund of excess contributions

s 26A ins 1976 No. 82 s 32

Contributions according to scale graduated by age at commencement

s 27 amd 1964 No. 57 s 10; 1966 No. 32 s 10; 1969 No. 19 s 9; 1972 No. 22 s 74(1) sch 2; 1988 No. 45 s 18

Division 3A—Reserve units of benefits

div hdg ins 1968 No. 59 s 8

Contribution for reserve units

s 27A ins 1968 No. 59 s 8
amd 1969 No. 19 s 10

When reserve units become ordinary units of benefits

s 27B ins 1968 No. 59 s 8

Contributor may discontinue contribution for reserve units

s 27C ins 1968 No. 59 s 9
amd 1972 No. 22 s 74(1) sch 2; 1987 No. 27 s 35; 1990 No. 23 s 2.7; 1991 No. 11 s 2.9(a)

Benefits payable on reserve units

s 27D ins 1968 No. 59 s 9
sub 1969 No. 19 s 11
amd 1972 No. 22 s 74(1) sch 2

Payment of lump sum on ceasing to contribute

s 27E ins 1969 No. 19 s 11
amd 1972 No. 22 s 74(1) sch 2; 1984 No. 14 s 50; 1987 No. 27 s 36; 1991 No. 11 s 2.9(a)

Amount of contribution by the Crown**prov hdg** amd 1991 No. 11 s 2.3(a)**s 28** amd 1960 9 Eliz 2 No. 39 s 9; 1964 No. 57 s 11; 1966 No. 32 s 11; 1969 No. 19 s 12; 1972 No. 22 s 74(1) sch 2; 1974 No. 20 s 25; 1974 No. 66 s 15 sch 2; 1984 No. 14 s 50A; 1987 No. 27 s 37; 1991 No. 11 s 2.3(b)–(c)**When entitlement to annuity benefit accrues****s 29** amd 1974 No. 66 s 10; 1984 No. 14 s 51**Units of annuity benefit****s 30** amd 1964 No. 57 s 12; 1966 No. 32 s 12; 1968 No. 59 s 10; 1974 No. 20 s 26; 1974 No. 66 s 11; 1976 No. 82 s 33; 1978 No. 20 s 31**When entitlement to incapacity benefit accrues****s 31** amd 1964 No. 57 s 13; 1972 No. 22 s 74(1) sch 2; 1976 No. 82 s 34; 1984 No. 14 s 52**Units of incapacity benefit****s 32** amd 1960 9 Eliz 2 No. 39 s 10; 1962 No. 31 s 3; 1964 No. 57 s 14; 1966 No. 32 s 13; 1968 No. 59 s 11; 1972 No. 22 s 74(1) sch 2; 1976 No. 82 s 35**Application to commute incapacity benefit****s 32A** ins 1984 No. 14 s 53amd 1991 No. 11 ss 2.4, 2.9(a)**Division 3—Assurance benefit****div hdg** sub 1985 No. 35 s 29**Entitlement to assurance benefit****s 33** amd 1964 No. 57 s 15; 1969 No. 19 s 13; 1974 No. 66 s 12; 1978 No. 20 s 32; 1984 No. 14 s 54
sub 1985 No. 35 s 29
amd 1987 No. 27 s 38; 1987 No. 64 s 24**Apportionment of assurance benefit****s 33A** ins 1978 No. 20 s 33

om 1985 No. 35 s 29

Units of assurance benefit**prov hdg** sub 1978 No. 20 s 34**s 34** amd 1962 No. 31 s 4; 1964 No. 57 s 16; 1966 No. 32 s 14; 1968 No. 59 s 12; 1969 No. 19 s 14; 1974 No. 20 s 27; 1974 No. 66 ss 13, 15 sch 2; 1976 No. 82 s 36; 1978 No. 20 s 34; 1984 No. 14 s 55
sub 1985 No. 35 s 29**Extent of assurance benefit****s 34A** ins 1969 No. 19 s 15

sub 1985 No. 35 s 29

Widow's right to substitute pension for assurance benefit

- s 34B** ins 1984 No. 14 s 56
sub 1985 No. 35 s 29
amd 1987 No. 64 s 24

Entitlement of widow of person on staff of agent-general

- s 34C** ins 1985 No. 35 s 29
amd 1987 No. 64 s 24; 1991 No. 11 s 2.5

Children entitled to additional assurance benefit

- s 35** amd 1969 No. 19 s 16; 1976 No. 82 s 37; 1984 No. 14 s 57; 1991 No. 97 s 3 sch 2

Amount of additional assurance benefit

- s 36** amd 1962 No. 31 s 5; 1966 No. 32 s 15; 1968 No. 59 s 13; 1972 No. 22 s 74(1) sch 2; 1974 No. 20 s 28; 1974 No. 66 ss 14, 15 sch 2; 1976 No. 82 s 38; 1984 No. 14 s 58; 1987 No. 27 s 39; 1991 No. 97 s 3 sch 2

Endowment payment in lieu of units of assurance benefit

- s 37** amd 1966 No. 32 s 16; 1969 No. 19 s 17; 1972 No. 22 s 74(1) sch 2; 1974 No. 66 s 15 sch 2; 1978 No. 20 s 35
sub 1984 No. 14 s 59
amd 1991 No. 11 s 2.9(a)

Refunds of annuity benefit contributions

- s 38** amd 1960 9 Eliz 2 No. 39 s 11; 1972 No. 22 s 74(1) sch 2; 1974 No. 66 s 15 sch 2; 1976 No. 82 s 39; 1984 No. 14 s 60; 1987 No. 27 s 40; 1990 No. 23 s 2.8; 1991 No. 11 s 2.9(a)

Refunds of incapacity benefit contributions

- s 38A** ins 1972 No. 22 s 74(3)
amd 1974 No. 66 s 15 sch 2; 1987 No. 27 s 41; 1990 No. 23 s 2.9; 1991 No. 11 s 2.9(a)

Refund of assurance benefit contributions

- s 39** amd 1972 No. 22 s 74(1) sch 2; 1974 No. 66 s 15 sch 2; 1978 No. 20 s 36
sub 1987 No. 27 s 42
amd 1990 No. 23 s 2.10; 1991 No. 11 s 2.9(a)

Division 5A—Commutation of annuity benefit

- div hdg** ins 1969 No. 19 s 18

Application to commute

- s 39A** ins 1969 No. 19 s 18
amd 1972 No. 22 s 74(1) sch 2; 1974 No. 66 s 15 sch 2; 1976 No. 82 s 40; 1984 No. 14 s 61

Persons not entitled to commute

- s 39B** ins 1969 No. 19 s 18
amd 1972 No. 22 s 74(1) sch 2; 1974 No. 66 s 15 sch 2; 1975 No. 26 s 9; 1989 No. 103 s 3 sch; 1991 No. 11 s 2.6

Ascertainment of lump sum payable

s 39C ins 1969 No. 19 s 18
amd 1974 No. 66 s 15 sch 2; 1976 No. 82 s 41; 1991 No. 11 s 2.9(b)

Right to prepay contributions

s 40 amd 1974 No. 66 s 15 sch 2; 1975 No. 26 s 10; 1987 No. 64 s 24; 1991 No. 11 s 2.9(a)

Benefits payable for life except in case of children

s 41 amd 1966 No. 32 s 17; 1969 No. 19 s 19

Increases in rates of benefits

s 43A ins 1969 No. 19 s 20
amd 1974 No. 20 s 29(1)

Adjustment of pensions

s 43B ins 1974 No. 20 s 30(1)
amd 1976 No. 82 s 42; 1984 No. 14 s 62

Adjustment of pension where entitlement follows a former entitlement

s 43C ins 1974 No. 20 s 30(1)
amd 1976 No. 82 s 43

Further adjustment of pensions

s 43CA ins 1987 No. 27 s 43

Variation of entitlement to adjustment

s 43D ins 1984 No. 14 s 63
amd 1987 No. 27 s 44

Entitlement to receive incapacity benefit

s 43E ins 1984 No. 14 s 64
amd 1987 No. 27 s 45; 1988 No. 45 s 19; 1991 No. 11 s 2.9(a)

Enlargement of benefits to level of benefits under 1972 Act

s 43F ins 1987 No. 27 s 46

Proof of continued incapacity

s 44 amd 1984 No. 14 s 65

Incapacity beneficiary restored to health may be recalled to service

s 45 amd 1964 No. 57 s 17; 1972 No. 22 s 74(1) sch 2; 1976 No. 82 s 44; 1984 No. 14 s 66; 1987 No. 27 s 47; 1990 No. 23 s 2.11; 1991 No. 11 s 2.9(a); 1996 No. 75 s 535 sch 2

Contribution by retired incapacity beneficiaries upon re-employment

s 46 amd 1969 No. 19 s 21

Postponement of payment of refunds

s 47 sub 1960 9 Eliz 2 No. 39 s 12; 1987 No. 27 s 48
amd 1987 No. 64 s 24; 1988 No. 45 s 20; 1991 No. 11 s 2.7(a)-(c), (d); 1995 No. 58 s 4 sch 1

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

div 7 (ss 48–48F) ins 1995 No. 53 s 10
 exp 22 November 1996 (see s 48F)
 AIA, s 20A applies (see s 48E)

Officer to make equivalent contribution for annuity benefits

s 51 amd 1965 No. 61 s 11 sch 2

Surrender of excess units of annuity benefit

s 52 amd 1991 No. 11 s 2.9(a)

Election with respect to contribution

s 54 amd 1965 No. 61 s 11 sch 2

Annuity benefit

s 55 amd 1964 No. 57 s 18; 1966 No. 32 s 18; 1968 No. 59 s 15; 1974 No. 66 s 15 sch 2; 1976 No. 82 s 45

Incapacity benefit

s 56 amd 1964 No. 57 s 19; 1966 No. 32 s 19; 1968 No. 59 s 16; 1976 No. 82 s 46

Contribution for assurance benefit under the repealed Act

s 57 amd 1974 No. 66 s 15 sch 2; 1991 No. 11 s 2.9(a)

Payment of assurance benefit under the repealed Act

s 58 amd 1991 No. 11 s 2.9(a)

Not entitled to contribute for benefits under this Act

s 59 amd 1991 No. 11 s 2.9(a)

Annuity benefit

s 60 amd 1966 No. 32 s 20; 1968 No. 59 s 17; 1991 No. 11 s 2.9(a)

Incapacity benefit

s 61 amd 1966 No. 32 s 21; 1968 No. 59 s 18; 1991 No. 11 s 2.9(a)

Incapacity allowance

s 64 amd 1966 No. 32 s 22; 1968 No. 59 s 19

Annuity and assurance benefits

s 65 amd 1966 No. 32 s 23; 1968 No. 59 s 20; 1991 No. 11 s 2.9(a)

Election to convert annuity benefit

s 68 amd 1966 No. 32 s 24; 1968 No. 59 s 21

When Crown to make payments

s 69 amd 1960 9 Eliz 2 No. 39 s 13; 1966 No. 32 s 25; 1968 No. 59 s 22; 1972 No. 22 s 74(1) sch 2; 1991 No. 11 s 2.9(a)

Benefits which may be commuted

s 71 amd 1964 No. 57 s 20; 1966 No. 32 s 26; 1968 No. 59 s 23

PART 5A—VOLUNTARY CONTRIBUTION FOR ANNUITY BENEFIT

pt hdg ins 1960 9 Eliz 2 No. 39 s 14

Application of this part

s 73A ins 1960 9 Eliz 2 No. 39 s 14

Voluntary contribution for annuity benefit or further annuity benefit

s 73B ins 1960 9 Eliz 2 No. 39 s 14
amd 1964 No. 57 s 21; 1972 No. 22 s 74(1) sch 2; 1974 No. 66 s 15 sch 2;
1984 No. 14 s 67; 1987 No. 27 s 49; 1991 No. 11 s 2.9(a)

Annuity to widow

s 73C ins 1960 9 Eliz 2 No. 39 s 14
amd 1964 No. 57 s 22; 1976 No. 82 s 47

When limited contributor may become full contributor

s 73D ins 1962 No. 31 s 6
amd 1964 No. 57 s 23

Assignment of benefits

s 74 amd 1976 No. 82 s 48; 1991 No. 11 s 2.9(c)

Recovery of overpayments

s 74A ins 1976 No. 82 s 49

University of Queensland

s 75 amd 1960 9 Eliz 2 No. 39 s 15
om 1995 No. 27 s 34

When temporary employee and others may elect

s 75A ins 1964 No. 57 s 24

When officer may continue to contribute after resignation

s 76 amd 1964 No. 57 s 25; 1966 No. 32 s 27; 1968 No. 59 s 24; 1976 No. 82
s 50

When fund charged with defalcations by contributors

s 77 amd 1991 No. 11 s 2.9(a)

Entitlement to superannuation benefits on voluntary resignation at or after age 60

prov hdg amd 1987 No. 64 s 20; 1991 No. 11 s 2.9
s 77A ins 1965 No. 53 s 2
amd 1969 No. 19 s 22; 1972 No. 22 s 74(1) sch 2; 1974 No. 20 s 31; 1974
No. 66 s 15 sch 2; 1985 No. 35 s 31; 1991 No. 11 s 2.9(a); 1995 No. 58
s 4 sch 1

Benefits upon retirement before age 60

s 77B ins 1987 No. 64 s 21
amd 1991 No. 11 ss 2.4, 2.9(a); 1995 No. 58 s 4 sch 1

Benefits upon retrenchment, involuntary termination etc.

s 77C ins 1988 No. 45 s 21
sub 1990 No. 23 s 2.12

Recoupment of contributions

s 77D ins 1990 No. 23 s 2.13

Requirements as respects medical examinations

s 79A ins 1960 9 Eliz 2 No. 39 s 16
amd 1984 No. 14 s 68

Settlement of disputes

s 80 om 1995 No. 27 s 35

Unclaimed moneys

s 81 om 1972 No. 22 s 74(2)

Fund to be exempt from taxation

s 83 amd 1991 No. 11 s 2.9(c)

Audit

s 84 amd 1991 No. 97 s 3 sch 2

Governor in Council may authorise additional payment to beneficiaries

s 85 amd 1960 9 Eliz 2 No. 39 s 17; 1966 No. 32 s 28; 1968 No. 59 s 25; 1991 No. 11 s 2.9(a)

Information to contributors

s 85A ins 1990 No. 23 s 2.14
amd 1991 No. 11 s 2.9(a); R1 (see RA s 37)

Mandatory commutation

s 85B ins 1991 No. 11 s 2.8
om 1995 No. 27 s 36

Regulation making power

s 86 amd 1964 No. 21 s 8; 1964 No. 57 s 26; 1966 No. 32 s 29
sub 1995 No. 27 s 36

Board may approve forms

s 87 sub 1995 No. 27 s 36

SCHEDULE 1—SCALE OF UNITS OF BENEFITS

sub 1960 9 Eliz 2 No. 39 s 18(3)
amd 1962 No. 31 s 7
sub 1964 No. 57 s 27; 1966 No. 32 s 30; 1968 No. 59 s 26; 1969 No. 19
s 23; 1976 No. 82 s 51

SCHEDULE 2

sub 1966 No. 32 s 31

SCHEDULE 2A

ins 1969 No. 19 s 24

SCHEDULE 3

ins 1964 No. 21 s 9
om R1 (see RA s 39)

SCHEDULE 4—VALUE PER UNIT OF ASSURANCE IN RESPECT OF CONTRIBUTORS WHO DIE BEFORE AGE 60

sch hdg amd 1987 No. 27 s 50
ins 1985 No. 35 s 32
amd 1987 No. 27 s 50

SCHEDULE 4A—VALUE PER UNIT OF ASSURANCE IN RESPECT OF CONTRIBUTORS WHO DIE AT AGE 60 OR BETWEEN AGES 60 AND 65

sch hdg amd 1987 No. 27 s 50
 ins 1985 No. 35 s 32
 amd 1987 No. 27 s 50

SCHEDULE 4B—FACTORS FOR WIDOWS OF PENSIONERS

ins 1985 No. 35 s 32

SCHEDULE 5

ins 1987 No. 64 s 22

SCHEDULE 6

ins 1987 No. 64 s 23

8 Transitional and savings provisions

State Service Superannuation Act 1972 No. 22 s 73 provides—

Application of Act 7 Eliz 2 No. 73

73.(1) The *Public Service Superannuation Act 1958–1969* (in this section called the “said Act”) shall apply subject to this section.

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

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

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

- (a) the units of benefits for which the person was contributing immediately before the commencement of this Act;
- (b) units of benefits for which the person was before the

commencement of this Act required to contribute to the Fund by reason of an increase of his salary but for which on the said commencement he had not commenced to contribute; and

- (c) units of benefits in respect of which, being thereunto authorized or entitled under the said Act before the commencement of this Act, the person makes or has made an election (whether before or after the commencement of this Act) within the time prescribed, before the said commencement but for which on the said commencement he had not commenced to contribute.

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

(5) At any time before the expiration of a period of six months commencing on the commencement of this Act, a continuing contributor may make any election under and in accordance with section 22A of the said Act that he was eligible to make immediately before the commencement of this Act and subject to the said section he may increase his contribution to the Fund accordingly.

(6) Where the time prescribed by the said Act not later than which an officer may make an election under section 22 thereof in respect of units of benefits expired on the day immediately before the commencement of this Act, such units of benefits shall be deemed to be units of benefits in respect whereof a continuing contributor may make an election pursuant to subsection (5).

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

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

subsection (5),

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

Superannuation (Public Employees Portability and Acts Amendment) Act 1985 No. 35 s 30 provides—

Preservation of existing entitlements

30. Entitlements that have arisen under the Principal Act shall continue to be governed by the Principal Act as if sections 33, 33A, 34 34A and 34B of that Act had not been repealed by this Act and, in addition, in the application of section 34B of that Act to any such entitlement, as if the following subsection had been added to section 34B:—

“(6) Where an entitlement to a widow’s assurance benefit had by reason of the death of a contributor or pensioner has ceased after the commencement of the *Superannuation Acts Amendment Act 1984* and revived as prescribed by section 33, this section does not apply in respect of the entitlement, upon its revival, derived through the same contributor or pensioner.”.

9 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992 s 5(c)).

Superannuation (Miscellaneous Acts) Amendment Act 1991 No. 11 ss 2.3, 2.7(a)–(c), 2.9 reads as follows—

Amendment of s. 28. Amount of contribution by the Crown

2.3 Section 28 of the Principal Act is amended by—

- (a) in the note appearing in and at the beginning of the section omitting “**Amount of contribution**” and substituting “**Payment**”;

- (b) in subsection (1), omitting “, paid from the Fund,” and “so made” (where twice occurring);
- (c) in subsection (2), omitting “contribution of” and substituting “payment by”.

Amendment of s. 47. Postponement of payment of refunds

2.7 Section 47 of the Principal Act is amended by—

- a) in subsection (1), omitting “from the Fund”;
- (b) in subsection (2), omitting “in the Fund”;
- (c) in subsection (3), omitting “in the Fund” (where twice occurring);

Miscellaneous amendments

2.9 The Principal Act is amended by—

- (a) in the following sections, omitting the words “from the Fund” wherever they occur:—

19(1)	43E	65(1)
27C(1)	45(3) (twice occurring)	69(1), (2) and (4)
27E(3)	45(4)	73B(7)
32A(4)	52	77
37(a) and (b)	57(3) (twice occurring)	77A(1a), (1b) and (4)
38(1)	57(4)	77A(9) (twice occurring)
38(2) (twice occurring)	58(1)	77B(1)
38A	59(1)	85(1) (twice occurring)
39	60(1) and (2)	85(2)
40(2) and (3)	61(1), (2) and (4)(a)	85A(1);

- (b) in section 39C(6), omitting “which shall be paid from the Fund”;
- (c) in sections 74 and 83(2), omitting “out of the Fund”.

