

Queensland



*Superannuation (State Public Sector) Act 1990*

# **SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990**

**Reprinted as in force on 8 April 1998  
(includes amendments up to SL No. 2 of 1998)**

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# Information about this reprint

This deed is reprinted as at 8 April 1998.

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 reprints 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**
- **editorial changes made in earlier reprints.**

Queensland



**SUPERANNUATION (STATE PUBLIC  
SECTOR) DEED 1990**

**TABLE OF PROVISIONS**

Section		Page
<b>CHAPTER 1—GENERAL</b>		
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	20
2	Name of scheme .....	20
3	Commencement .....	20
4	Definitions .....	20
5	Meaning of “member” .....	23
6	Single unit of the State public sector .....	23
7	Law to apply .....	23
8	Application of deed to categories of members .....	24
9	References to period of membership etc. for members transferring from discontinued schemes .....	24
10	References to matters relating to other persons with entitlements under discontinued schemes .....	25
11	Cross references .....	25
<b>PART 2—BOARD OF TRUSTEES</b>		
12	Functions and duties of board .....	26
13	Powers and authorities .....	26
14	Discretionary power of the board .....	27
<b>PART 3—THE FUND</b>		
15	Income and expenditure .....	27
16	Investment .....	28
17	Investment manager’s obligations .....	28
18	Appointment of actuary .....	29

---

19	Actuarial reports . . . . .	29
<b>PART 4—MEMBERSHIP</b>		
20	Determinations by board . . . . .	30
21	Cessation . . . . .	30
22	Membership categories . . . . .	30
23	Initial membership categories applying after discontinuance of schemes . . . . .	31
<b>PART 5—MEDICAL AND OTHER EVIDENCE</b>		
24	Persons to give information . . . . .	32
25	Medical examinations . . . . .	32
<b>PART 6—TRANSFERS</b>		
26	Transfers in . . . . .	32
27	Transfers out . . . . .	32
<b>PART 7—MISCELLANEOUS</b>		
28	Information to members . . . . .	33
29	Rounding of monetary amounts . . . . .	33
<b>PART 8—DISPUTES</b>		
30	Appeal to board . . . . .	34
<b>CHAPTER 2—DEFINED BENEFIT MEMBERS</b>		
<b>PART 1—PRELIMINARY</b>		
31	Application . . . . .	34
32	Definitions for ch 2 . . . . .	34
33	Commencement of membership . . . . .	37
34	Continuity of membership when changing employers . . . . .	38
<b>PART 2—MEMBER CONTRIBUTIONS</b>		
35	Member compulsory contributions . . . . .	38
36	Average rate in excess of the standard compulsory rate . . . . .	39
37	Contributions in excess of the maximum rate . . . . .	39
38	Voluntary contributions . . . . .	40
39	Compulsory contributions after benefit determined . . . . .	40
40	Authority to deduct contributions . . . . .	40
<b>PART 3—ACCEPTANCE OF CONTRIBUTIONS</b>		
41	Acceptance of contributions—member under 65 . . . . .	41

---

42	Acceptance of contributions—member 65 or over . . . . .	41
<b>PART 4—BENEFITS</b>		
43	Benefit on age retirement . . . . .	41
44	Member’s compulsory contribution benefit . . . . .	42
45	Member’s basic benefit . . . . .	42
46	Benefit on total and permanent disablement . . . . .	42
47	Member’s prospective membership benefit . . . . .	43
48	Benefit on death . . . . .	44
49	Benefit on permanent and partial disablement . . . . .	45
50	Benefit on temporary disablement . . . . .	45
51	Benefit on involuntary termination or early retirement . . . . .	46
52	Benefits on withdrawal . . . . .	46
53	Indexation of pensions . . . . .	47
54	Contributory membership of persons who again become employed members . . . . .	48
55	Benefit on employed member turning 70 . . . . .	48
<b>PART 5—CROWN CONTRIBUTIONS</b>		
56	Payments from the fund . . . . .	49
57	Crown contributions . . . . .	49
58	Crown contributions for temporary disablement . . . . .	49
<b>PART 6—VOLUNTARY CONTRIBUTION ACCOUNT</b>		
59	Voluntary contribution account . . . . .	49
60	Interest on accounts . . . . .	50
61	Voluntary withdrawals from the voluntary contribution account . . . . .	50
62	Closure of account when employment ceases . . . . .	50
<b>PART 7—MISCELLANEOUS</b>		
63	Personal medical statement . . . . .	51
64	Salary reduction . . . . .	51
65	Voluntary insurance . . . . .	51
66	Members in part-time employment . . . . .	52
<b>CHAPTER 3—ACCUMULATION MEMBERS</b>		
<b>PART 1—PRELIMINARY</b>		
67	Application . . . . .	53

*Superannuation (State Public Sector) Deed 1990*

---

68	Definitions .....	53
<b>PART 2—ACCEPTANCE OF CONTRIBUTIONS</b>		
69	Acceptance of contributions—member under 65 .....	55
70	Acceptance of contributions—member 65 or over .....	55
<b>PART 3—MEMBERSHIP AND CONTRIBUTIONS</b>		
<i>Division 1—Eligibility</i>		
71	Eligibility for benefits .....	56
<i>Division 2—Employer contributions</i>		
72	Payment of contributions .....	56
73	Contributions while member is on workers' compensation .....	57
74	Discretionary contributions .....	57
75	Method of payment .....	57
<i>Division 3—Personal contributions</i>		
76	Payment of personal contributions .....	58
<i>Division 4—Member's account and interest</i>		
77	Member's account .....	58
78	Interest .....	59
<b>PART 4—BENEFITS AND PAYMENTS</b>		
<i>Division 1—Benefits</i>		
79	Time for payment of benefits .....	59
80	Persons entitled to payment of benefits .....	60
81	Application to be made for benefits .....	60
82	Transfer of benefits .....	60
<i>Division 2—Death and disablement insurance</i>		
<i>Subdivision 1—Insurance against death or total and permanent disablement</i>		
83	Definitions .....	60
84	Provision of insurance .....	60
85	Admission of other members .....	61
86	Insurance terms .....	61
87	Premiums .....	62
<i>Subdivision 2—Insurance against temporary disablement</i>		
88	Provision of insurance .....	62

***Subdivision 3—Members ineligible for insurance***

89 Ineligible members ..... 63

**PART 5—MISCELLANEOUS PROVISIONS**

90 Preservation and portability on ceasing to be member ..... 63

91 Preservation and portability while member ..... 63

**CHAPTER 4—STATE 58 MEMBERS**

**PART 1—PRELIMINARY**

92 Definitions for ch 4 ..... 64

**PART 2—CONTRIBUTIONS**

***Division 1—Contributions by officers***

93 Commencement of contributions ..... 66

***Division 2—Scale of units***

94 Salary for the purposes of this division ..... 68

95 Scale of units of annuity, incapacity, and, in the case of male officers, assurance benefits ..... 68

96 When officer may voluntarily increase contribution ..... 71

97 Power of board to exempt etc. from contributing ..... 72

98 Officer reduced in salary ..... 74

99 Units of benefits to be contributed for in equal numbers ..... 74

100 Period for which contributions are to continue ..... 75

101 Refund of excess contributions ..... 76

***Division 3—Scale of contributions by officers***

102 Contributions according to scale graduated by age at commencement ... 77

***Division 4—Reserve units of benefits***

103 Contribution for reserve units ..... 79

104 When reserve units become ordinary units of benefits ..... 80

105 Contributor may discontinue contribution for reserve units ..... 81

106 Benefits payable on reserve units ..... 81

107 Payment of lump sum on ceasing to contribute ..... 82

***Division 5—Payments by the Crown***

108 Amount of contribution by the Crown ..... 83

**PART 3—BENEFITS AND PAYMENTS*****Division 1—Benefits transferred to preservation account***

109	Preservation account . . . . .	85
-----	--------------------------------	----

***Division 2—Annuity benefit***

110	When entitlement to annuity benefit accrues . . . . .	85
111	Units of annuity benefit . . . . .	86

***Division 3—Incapacity benefit***

112	When entitlement to incapacity benefit accrues . . . . .	86
113	Units of incapacity benefit . . . . .	88
114	Application to commute incapacity benefit . . . . .	88

***Division 4—Assurance benefit***

115	Entitlement to assurance benefit . . . . .	89
116	Units of assurance benefit . . . . .	90
117	Extent of assurance benefit . . . . .	92
118	Widow's right to substitute pension for assurance benefit . . . . .	92
119	Entitlement of widow of person on staff of agent-general . . . . .	95

***Division 5—Additional assurance benefit for children***

120	Children entitled to additional assurance benefit . . . . .	96
121	Amount of additional assurance benefit . . . . .	97

***Division 6—Surrender values and refunds of contributions for annuity and assurance benefits***

122	Endowment payment in lieu of units of assurance benefit . . . . .	99
123	Refunds of annuity benefit contributions . . . . .	100
124	Refunds of incapacity benefit contributions . . . . .	101
125	Refund of assurance benefit contributions . . . . .	101

***Division 7—Commutation of annuity benefit***

126	Application to commute . . . . .	102
127	Persons not entitled to commute . . . . .	103
128	Ascertainment of lump sum payable . . . . .	105

***Division 8—General provisions respecting benefits***

129	Right to prepay contributions . . . . .	107
130	Benefits payable for life except in case of children . . . . .	107
131	Payment to person other than the beneficiary . . . . .	108



---

132	Commencement of benefits . . . . .	108
133	Adjustment of pensions . . . . .	108
134	Adjustment of pension where entitlement follows a former entitlement . .	111
135	Variation of entitlement to adjustment . . . . .	111
136	Entitlement to receive incapacity benefit . . . . .	112
137	Enlargement of benefits to level of benefits under ch 5 . . . . .	113
138	Proof of continued incapacity . . . . .	113
139	Incapacity beneficiary restored to health may be recalled to service . . . .	114
140	Contribution by retired incapacity beneficiaries upon re-employment . . .	115
141	Postponement of payment of refunds . . . . .	115
<b>PART 4—TRANSITIONAL PROVISIONS</b>		
<i>Division 1—Interpretation</i>		
142	Conversion value of units of annuity benefit and incapacity allowance under the repealed Act . . . . .	117
143	Application of pt 4 . . . . .	118
<i>Division 2—Contributions for annuity benefit by officers</i>		
144	Officer to make equivalent contribution for annuity benefits . . . . .	118
<i>Division 3—Contributions for incapacity benefit by officers</i>		
145	Officer to make equivalent contribution for incapacity benefit . . . . .	119
<i>Division 4—Amounts respectively of annuity benefits and incapacity benefits</i>		
146	Annuity benefit . . . . .	120
147	Incapacity benefit . . . . .	121
<i>Division 5—Other benefits under the repealed Act</i>		
148	Contribution for assurance benefit under the repealed Act . . . . .	121
<i>Division 6—Medical certificates</i>		
149	When evidence of good health required . . . . .	122
<i>Division 7—Payments by the Crown</i>		
150	When Crown to make payments . . . . .	123
<i>Division 8—Commutation of benefits</i>		
151	Benefits which may be commuted . . . . .	124
152	Conversion of assurance benefit payable at death . . . . .	125
153	Limit of commutation or variation of benefits . . . . .	125

**PART 5—VOLUNTARY CONTRIBUTION FOR ANNUITY  
BENEFIT**

154	Application of this part .....	125
155	Voluntary contribution for annuity benefit or further annuity benefit ....	126
156	Annuity to widow .....	127
157	When limited contributor may become full contributor .....	128

**PART 6—MISCELLANEOUS**

158	When officer may continue to contribute after resignation .....	128
159	When fund charged with defalcations by contributors .....	129
160	Entitlement to superannuation benefits on voluntary resignation at or after age 60 .....	130
161	Benefits upon retirement before age 60 .....	133
162	Benefits upon retrenchment, involuntary termination etc. ....	136
163	Question as to incapacity etc. determined by board on medical practitioner’s report .....	136
164	Requirements as respects medical examinations .....	137

**CHAPTER 5—STATE 72 MEMBERS**

**PART 1—PRELIMINARY**

165	Interpretation .....	138
166	Ascertainment of certain final average salaries .....	145

**PART 2—CONTRIBUTIONS**

167	Obligation of officers to contribute to the fund .....	146
168	Commencement and cessation of contributions .....	148
169	Time and manner of paying contributions .....	148
170	Suspension of contribution .....	151
171	Rates of contribution .....	152
172	Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3 .....	156
173	Further provisions re contributions .....	156
174	When officer may continue to contribute after resignation .....	157

**PART 3—BENEFITS AND PAYMENTS**

*Division 1—Benefits transferred to preservation account*

175	Preservation account .....	158
-----	----------------------------	-----

---

<b><i>Division 2—Contributors’ pensions and other benefits</i></b>		
176	Calculation of service . . . . .	159
177	Rights of contributors for category A benefits . . . . .	159
178	Rights of continuing contributors for category A benefits . . . . .	163
179	Rights of contributors for category B benefits . . . . .	165
180	Rights of continuing contributors who are contributors for category B benefits . . . . .	166
181	Benefits upon retirement before age 60 . . . . .	168
182	Benefits upon retrenchment, involuntary termination etc. . . . .	170
183	Construction of pension benefit formula in certain cases and transfer of funds . . . . .	171
184	Minimum benefit payable . . . . .	172
<b><i>Division 3—Benefits upon contributor’s death</i></b>		
185	Entitlement to benefit . . . . .	172
186	Relicts’ right to substitute pension for entitlement . . . . .	178
187	Entitlement of relict of person on staff of Agent-General for Queensland . . . . .	181
<b><i>Division 4—Children’s pensions</i></b>		
188	Child’s pension—when payable . . . . .	182
189	Commencement and cessation of children’s pensions . . . . .	187
190	Persons to whom a child’s pension is payable . . . . .	188
<b><i>Division 5—Refund of contributions</i></b>		
191	Refund of contributions . . . . .	188
<b><i>Division 6—Adjustment of pensions</i></b>		
192	Adjustment of pensions . . . . .	193
193	Variation of entitlement to adjustment . . . . .	195
<b><i>Division 7—General provisions as to pensions</i></b>		
194	Duration of pensions . . . . .	196
195	Time and manner of payment of pensions . . . . .	196
196	Payment to person other than the beneficiary . . . . .	197
197	Commencement of benefits . . . . .	197
198	Provision for incapacity entitlement of contributor reduced in salary by redeployment . . . . .	198
199	Entitlement to receive incapacity pension . . . . .	198

*Superannuation (State Public Sector) Deed 1990*


---

200	Proof of continued incapacity . . . . .	199
201	Failure of incapacity pensioner restored to health to resume employment affects entitlement . . . . .	199
202	Incapacity pension may be suspended . . . . .	200
203	Contribution by retired incapacity pensioners upon re-employment . . . . .	201
204	Right to prepay contributions . . . . .	201
	<b><i>Division 8—Conversion of pension entitlement into a lump sum payment</i></b>	
205	Right of contributor to convert pension into a lump sum . . . . .	202
206	Endowment benefit in lieu of relict's pension . . . . .	214
	<b>PART 4—FINANCIAL PROVISIONS</b>	
207	Contributions to the fund by the State and by State authorities . . . . .	214
	<b>PART 5—MISCELLANEOUS</b>	
208	When fund charged with defalcations by contributors . . . . .	216
209	Medical examinations . . . . .	216
210	Conversion from category B to category A benefits in certain cases . . . . .	217
211	Rectification of contributor's status falsely induced . . . . .	218
212	Calculation of benefits based on contributions of officers . . . . .	220
213	No interest on certain payments . . . . .	220
	<b>PART 6—APPLICATION OF CHAPTER 4</b>	
214	Application of chapter 4 . . . . .	221
	<b>CHAPTER 6—POLICE 68 MEMBERS</b>	
	<b>PART 1—PRELIMINARY</b>	
215	Interpretation . . . . .	223
	<b>PART 2—CONTRIBUTIONS</b>	
	<b><i>Division 1—Contributions by members of the police force</i></b>	
216	Commencement of contributions . . . . .	225
	<b><i>Division 2—Scale of units</i></b>	
217	Salary for the purposes of this division . . . . .	227
218	Scale of units of annuity, incapacity and assurance benefits . . . . .	227
219	When member of police force may voluntarily increase contribution . . . . .	230
220	Power to board to exempt etc. from contributing . . . . .	231
221	Member reduced in salary . . . . .	233

---

222	Units of benefits to be contributed for in equal numbers . . . . .	233
223	Period for which contributions are to continue . . . . .	233
224	Refund of excess contributions . . . . .	235
	<i>Division 3—Scale of contributions by members of the police force</i>	
225	Contributions according to scale graduated by age at commencement . .	235
226	Reduction in contributors' contribution in 1988 . . . . .	239
	<i>Division 4—Reserve units of benefits</i>	
227	Contribution for reserve units . . . . .	239
228	When reserve units become ordinary units of benefits . . . . .	240
229	Contributor may discontinue contribution for reserve units . . . . .	241
230	Benefits payable on reserve units . . . . .	241
231	Payment of lump sum on ceasing to contribute . . . . .	242
	<i>Division 5—Payments by the Crown</i>	
232	Amount of contribution by the Crown . . . . .	243
	<b>PART 3—BENEFITS AND PAYMENTS</b>	
	<i>Division 1—Benefits transferred to preservation account</i>	
233	Preservation account . . . . .	244
	<i>Division 2—Annuity benefit</i>	
234	When entitlement to annuity benefit accrues . . . . .	244
235	Units of annuity benefit . . . . .	245
	<i>Division 3—Incapacity benefit</i>	
236	When entitlement to incapacity benefit accrues . . . . .	246
237	Units of incapacity benefit . . . . .	247
238	Application to commute incapacity benefits . . . . .	247
	<i>Division 4—Assurance benefit</i>	
239	Entitlement to assurance benefit . . . . .	248
240	Units of assurance benefit . . . . .	249
241	Extent of assurance benefit . . . . .	250
242	Widow's right to substitute pension for assurance benefit . . . . .	251
	<i>Division 5—Additional assurance benefit for children</i>	
243	Children entitled to additional assurance benefit . . . . .	253
244	Amount of additional assurance benefit . . . . .	254

---

<b><i>Division 6—Surrender values and refunds of contributions for annuity and assurance benefits</i></b>	
245	Endowment payment in lieu of units of assurance benefit . . . . . 256
246	Refunds of annuity benefit contributions . . . . . 257
247	Refunds of incapacity benefit contributions . . . . . 258
248	Refund of assurance benefit contributions . . . . . 258
<b><i>Division 7—Commutation of annuity benefit</i></b>	
249	Application to commute . . . . . 259
250	Persons not entitled to commute . . . . . 260
251	Ascertainment of lump sum payable . . . . . 260
<b><i>Division 8—General provisions respecting benefits</i></b>	
252	Right to prepay contributions . . . . . 261
253	Benefits payable for life except in case of children . . . . . 262
254	Payment to person other than the beneficiary . . . . . 262
255	Commencement of benefits . . . . . 263
256	Adjustment of benefits . . . . . 263
257	Adjustment of benefits where entitlement follows a former entitlement . . 266
258	Variation of entitlement to adjustment . . . . . 266
259	Proof of continued incapacity . . . . . 267
260	Incapacity beneficiary restored to health may be recalled to service . . . 267
261	Contribution by retired incapacity beneficiaries upon re-employment . . . 269
262	Postponement of payment of refunds . . . . . 269
<b>PART 4—TRANSITIONAL PROVISIONS</b>	
<b><i>Division 1—Interpretation</i></b>	
263	Application of pt 5 . . . . . 272
<b><i>Division 2—Contributions for units of benefits by members of the police force</i></b>	
264	Contributions for benefits by members of the police force . . . . . 272
265	Refund of contributions made under repealed provisions . . . . . 275
<b><i>Division 3—Persons in receipt of superannuation allowances etc. under the repealed provisions</i></b>	
266	Superannuation allowance . . . . . 275
267	Widows' pensions . . . . . 277

*Superannuation (State Public Sector) Deed 1990*


---

268	Children's pensions .....	278
269	Pension to widow or child for ex-member dying after 1968 Act commenced .....	279
270	Savings .....	280
271	Adjustment of benefits .....	281
272	Variation of entitlement to adjustment .....	284
273	Incapacity beneficiaries when deemed on leave .....	284
274	Incapacity beneficiaries re-employed as members of the police force ...	285
	<b><i>Division 4—Medical certificates</i></b>	
275	When evidence of good health required .....	285
	<b>PART 5—MISCELLANEOUS</b>	
276	Limit of commutation or variation of benefits .....	285
277	When fund charged with defalcations by contributors .....	286
278	Question as to incapacity etc. determined by board on medical practitioner's report .....	286
279	Returns .....	286
	<b>CHAPTER 7—POLICE 74 MEMBERS</b>	
	<b>PART 1—PRELIMINARY</b>	
280	Interpretation .....	287
281	Ascertainment of certain final average salaries .....	292
	<b>PART 2—CONTRIBUTIONS</b>	
282	Obligation of members to contribute to the fund and consolidated fund ..	293
283	Commencement and cessation of contributions .....	294
284	Time and manner of paying contributions .....	295
285	Rates of contribution .....	297
286	Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3 .....	300
287	Further provisions re contributions .....	301
	<b>PART 3—BENEFITS AND PAYMENTS</b>	
	<b><i>Division 1—Benefits transferred to preservation account</i></b>	
288	Preservation account .....	302
	<b><i>Division 2—Contributors' pensions and other benefits</i></b>	
289	Calculation of service .....	303

*Superannuation (State Public Sector) Deed 1990*


---

290	Rights of contributors . . . . .	303
291	Rights of continuing contributors . . . . .	307
292	Construction of pension benefit formula in certain cases and transfer of funds . . . . .	308
293	Minimum benefit payable . . . . .	309
<b><i>Division 3—Benefits upon contributor’s death</i></b>		
294	Entitlement to benefit . . . . .	309
295	Relicts’ right to substitute pension for entitlement . . . . .	313
<b><i>Division 4—Children’s pensions</i></b>		
296	Child’s pension—when payable . . . . .	315
297	Commencement and cessation of children’s pensions . . . . .	320
298	Persons to whom a child’s pension is payable . . . . .	321
<b><i>Division 5—Refund of contributions</i></b>		
299	Refund of contributions . . . . .	321
<b><i>Division 6—Adjustment of pensions</i></b>		
300	Adjustment of pensions . . . . .	325
301	Variation of entitlement to adjustment . . . . .	328
<b><i>Division 7—General provisions as to pensions</i></b>		
302	Duration of pensions . . . . .	329
303	Time and manner of payment of pensions . . . . .	329
304	Payment to person other than the beneficiary . . . . .	329
305	Excess payments . . . . .	329
306	Commencement of benefits . . . . .	330
307	Proof of continued incapacity . . . . .	330
308	Incapacity pensioner restored to health may be recalled to service . . . . .	331
309	Incapacity pension may be suspended during employment . . . . .	331
310	Contribution by retired incapacity pensioners upon re-employment . . . . .	332
311	Right to prepay contributions . . . . .	332
<b><i>Division 8—Conversion of pension entitlement into a lump sum payment</i></b>		
312	Right of contributor to convert the contributor’s pension into a lump sum . . . . .	333
313	Endowment benefit in lieu of relict’s pension . . . . .	343



---

<b>PART 4—FINANCIAL PROVISIONS</b>	
314	Amount of contribution by the Crown . . . . . 344
<b>PART 5—MISCELLANEOUS</b>	
315	When fund charged with defalcations by contributors . . . . . 345
316	Medical examinations . . . . . 345
317	Calculation of benefits based on contributions of members . . . . . 346
318	No interest on certain payments . . . . . 346
<b>PART 6—SAVINGS AND TRANSITIONAL</b>	
319	Application of ch 6 . . . . . 347
<b>CHAPTER 8—FIRE MEMBERS</b>	
<b>PART 1—PRELIMINARY</b>	
320	Application . . . . . 348
321	Definitions for ch 8 . . . . . 349
<b>PART 2—MEMBERSHIP AND CONTRIBUTIONS</b>	
<i>Division 1—Acceptance of contributions</i>	
322	Commissioner standard contributions . . . . . 350
323	Acceptance of contributions—member under 65 . . . . . 350
324	Acceptance of contributions—member 65 or over . . . . . 350
<i>Division 2—Member’s account and interest</i>	
325	Member’s account . . . . . 351
326	Limit on administrative fees . . . . . 351
327	Interest . . . . . 351
<b>PART 3—BENEFITS AND PAYMENTS</b>	
328	Time for payment of benefits . . . . . 352
329	Persons entitled to payment of benefits . . . . . 352
<b>PART 4—MISCELLANEOUS</b>	
330	Preservation account . . . . . 353
331	Members with defined benefits or receiving partial incapacity benefits . 353
<b>CHAPTER 9—PRESERVATION MEMBERS</b>	
<b>PART 1—PRELIMINARY</b>	
332	Application . . . . . 353
333	Definitions for ch 9 . . . . . 353

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<b>PART 2—ACCEPTANCE OF CONTRIBUTIONS</b>		
334	Acceptance of contributions—member under 65 .....	354
335	Acceptance of contributions—member 65 or over .....	355
<b>PART 3—MEMBERS' ACCOUNTS</b>		
336	Voluntary preservation account .....	355
337	Crediting of earnings .....	355
338	Voluntary withdrawals .....	356
339	Compulsory withdrawals by member .....	356
340	Compulsory withdrawals on death .....	357
<b>PART 4—MISCELLANEOUS</b>		
341	Purchase of pension from fund .....	357
342	Purchase of annuity .....	357
<b>SCHEDULE 1 .....</b>		
<b>PERCENTAGES FOR BENEFITS</b>		
<b>SCHEDULE 2 .....</b>		
<b>SCALE OF UNITS OF BENEFITS</b>		
<b>SCHEDULE 3 .....</b>		
<b>SCHEDULE 4 .....</b>		
<b>SCHEDULE 5 .....</b>		
<b>VALUE PER UNIT OF ASSURANCE IN RESPECT OF</b>		
<b>CONTRIBUTORS WHO DIE BEFORE AGE 60</b>		
<b>SCHEDULE 6 .....</b>		
<b>VALUE PER UNIT OF ASSURANCE IN RESPECT OF</b>		
<b>CONTRIBUTORS WHO DIE AT AGE OF 60 OR BETWEEN 60</b>		
<b>AND 65</b>		
<b>SCHEDULE 7 .....</b>		
<b>FACTORS FOR WIDOWS OF PENSIONERS</b>		
<b>SCHEDULE 8 .....</b>		
<b>SCHEDULE 9 .....</b>		
<b>SCHEDULE 10 .....</b>		
<b>SCHEDULE 11 .....</b>		
<b>FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS</b>		
<b>WHO DIE BEFORE AGE 60</b>		

---

<b>SCHEDULE 12</b> .....	397
<b>FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE AT AGE 60 OR BETWEEN AGES 60 AND 65</b>	
<b>SCHEDULE 13</b> .....	399
<b>FACTORS FOR RELICTS OF PENSIONERS</b>	
<b>SCHEDULE 14</b> .....	400
<b>FACTORS FOR LUMP SUM BENEFITS OF CONTRIBUTORS WHO RETIRE BETWEEN AGES 55 AND 60</b>	
<b>SCHEDULE 15</b> .....	402
<b>SCHEDULE 16</b> .....	407
<b>SCALE OF UNITS OF BENEFITS</b>	
<b>SCHEDULE 17</b> .....	410
<b>SCALE OF UNITS OF BENEFITS</b>	
<b>SCHEDULE 18</b> .....	412
<b>SCHEDULE 19</b> .....	419
<b>SCHEDULE 20</b> .....	426
<b>VALUE OF A UNIT OF ASSURANCE FOR CONTRIBUTORS WHO DIE BEFORE TURNING 55</b>	
<b>SCHEDULE 21</b> .....	427
<b>VALUE OF A UNIT OF ASSURANCE FOR CONTRIBUTORS WHO DIE ON OR AFTER TURNING 55 BUT BEFORE TURNING 66</b>	
<b>SCHEDULE 22</b> .....	429
<b>FACTOR FOR WIDOWS OF FORMER MEMBERS</b>	
<b>SCHEDULE 23</b> .....	430
<b>SCHEDULE 24</b> .....	435
<b>COMMUTATION FACTORS</b>	
<b>SCHEDULE 25</b> .....	437
<b>COMMUTATION FACTORS</b>	
<b>SCHEDULE 26</b> .....	440
<b>FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE BEFORE AGE 55</b>	
<b>SCHEDULE 27</b> .....	441
<b>FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE AT AGE 55 OR BETWEEN AGES 55 AND 60</b>	

**SCHEDULE 28** ..... 443**FACTORS FOR RELICTS OF PENSIONERS****ENDNOTES**

1	Index to Endnotes .....	446
2	Date to which amendments incorporated .....	446
3	Key .....	447
4	Table of earlier reprints .....	447
5	Tables in earlier reprints .....	447
6	List of legislation .....	448
7	List of annotations .....	450
8	Table of renumbered provisions .....	474

## **SUPERANNUATION (STATE PUBLIC SECTOR) DEED 1990**

[as amended by all amendments that commenced on or before 8 April 1998]

THIS DEED is entered into on 14 June 1990 by

HENRY ROBERT SMERDON, JOHN MERVYN HINCKS, ROSS WILLIAM DUNNING, DALE EDWARD HENNESSY, DESMOND ERNEST BOYLAND, NOEL JOHN ROSS, KAREN SHIRLEY PEUT and THOMAS ALFRED BARTON (who for the time being constitute the Board of Trustees under the *Superannuation (State Public Sector) Act 1990*)

### WHEREAS

- A. In terms of section 3.3 of the Act, there is to be established by deed a scheme for the provision of superannuation, retirement, provident or other similar benefits payable from the fund.
- B. The board now wishes by this deed to establish the terms and conditions of the scheme which shall come into effect upon the approval of this deed by order in council, membership of which will be available to such persons as provided for in section 3.4 of the Act.
- C. The board is to administer and control the scheme subject to the Act and in accordance with the other provisions of this deed.
- D. The board has made amendments of the deed, to have effect immediately before the end of the day on 30 June 1997, relating to the merger of various schemes with the State Public Sector Superannuation Scheme including, in particular, amendments concerning new membership categories and other matters relating to the persons becoming members of the scheme under the merger.

NOW THE TRUSTEES covenant and agree as follows—

## CHAPTER 1—GENERAL

### PART 1—PRELIMINARY

#### Short title

1. This deed may be cited as the *Superannuation (State Public Sector) Deed 1990*.

#### Name of scheme

2. The scheme established by this deed shall be known as the State Public Sector Superannuation Scheme.

#### Commencement

3. The provisions of this deed will take effect from the date on which the order in council by which this deed is approved is published in the gazette.

#### Definitions

4. In this deed—

“**actuary**” means the actuary appointed under section 18 to advise the board.

“**assets of the fund**” means all the cash and authorised investments, including contributions received, belonging to the fund and without limiting the generality of the foregoing includes—

- (a) amounts owing to the fund by debtors (excluding any bad debts); and
- (b) income accruing from authorised investments of the fund to the extent not included in paragraph (a); and
- (c) the proceeds of sale of any part of the fund; and
- (d) any prepayment of expenditure; and

*Superannuation (State Public Sector) Deed 1990*

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- (e) all additions or accretions (if any) to the fund which arise by way of dividend interest premium or distribution or which are otherwise received and for the time being retained.

**“authorised leave”**, of an employed member, means leave from the member’s duties of employment that is—

- (a) approved by the member’s employer; or
- (b) authorised by—
- (i) a law of the State; or
- (ii) an agreement certified, or an award made, by the Industrial Relations Commission.

**“dependant”** means in relation to a member the spouse of the member and any other person who in the opinion of the board is or was at the relevant date wholly or substantially financially dependent on the member for that person’s maintenance and support.

**“disablement”** means any mental or bodily injury, illness, disease or infirmity.

**“discontinued scheme”** means a superannuation scheme that, immediately before the commencement of the *Superannuation and Other Legislation Amendment Act 1997*, part 6, was operated under any of the following Acts—

- the *Fire and Rescue Authority Act 1990*
- the repealed *Superannuation (Government and Other Employees) Act 1988*
- the repealed *Police Superannuation Act 1968*
- the repealed *Police Superannuation Act 1974*
- the repealed *Public Service Superannuation Act 1958*
- the repealed *State Service Superannuation Act 1972*.

**“employed member”** means a person—

- (a) who is a member or employee of, or engaged by, a unit of the State public sector; and
- (b) whose membership has commenced under this deed.

*Superannuation (State Public Sector) Deed 1990*

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**“employer”** in relation to an employed member means the unit of the State public sector of which the member is an officer, member or employee (howsoever described).

**“legal personal representative”** means the executor or administrator of the estate of the deceased member, the trustee of the estate of a member under a legal disability or a person who holds a general power of attorney granted by a member.

**“member”** see section 5.

**“superannuation guarantee charge”** means the charge imposed by the *Superannuation Guarantee Charge Act 1992* (Cwlth).

**“superannuation system”** has the meaning given to it by the *Superannuation Industry (Supervision) Regulations 1994* (Cwlth), regulation 5.01.<sup>1</sup>

**“tax”** includes all income tax, capital gains, stamp, financial institutions, registration and other duties, bank and building society accounts debit tax, value added tax or other tax for or in relation to the provision of services and other taxed levies, imposts, deductions and charges whatsoever (including in respect of any duty imposed on receipts or liabilities of financial institutions any amounts paid in respect thereof to another financial institution) together with interest thereon and penalties with respect thereto (if any) and charges, fees or other amounts made on or in respect thereof whether imposed by or charged in relation to the Tax Act or any other Act or the Commonwealth or of any State or Territory.

**“Tax Act”** means the Income Tax Assessment Act (Cwlth).

**“temporary disablement”** means disablement of a degree which, in the opinion of the board, is such as to render an employed member for the time being unfit to discharge or incapable of discharging the duties of the member’s office and is not total and permanent disablement or permanent and partial disablement.

**“total and permanent disablement”** means disablement of a degree which, in the opinion of the board after obtaining the advice of not

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<sup>1</sup> *Superannuation Industry (Supervision) Regulations 1994* (Cwlth), regulation 5.01 (Interpretation)



fewer than 2 medical practitioners, is such as to render the member unlikely ever to be able to work again in a job for which the member is reasonably qualified by education, training or experience.

**“voluntary contribution account”** means an account established under section 59.

**“voluntary preservation account”** means an account established under section 336.

**“year”** means a calendar year.

### **Meaning of “member”**

**5.(1)** In this deed—

**“member”** means—

- (a) an employed member; or
- (b) a person who ceased to be an employed member if—
  - (i) there is an amount in the person’s voluntary preservation account; or
  - (ii) an amount is to be credited to the person’s voluntary preservation account on the happening of an event mentioned in section 52(2); or
  - (iii) there is an amount in an account maintained for the person under section 77.

**(2)** However, a reference in a chapter to a member is a reference to a member of the category to which that chapter applies.

### **Single unit of the State public sector**

**6.** For this deed, all departments are taken to be a single unit of the State public sector.

### **Law to apply**

**7.** This trust deed shall be interpreted and construed in accordance with the law of the State.

**Application of deed to categories of members**

**8.(1)** This deed divides the membership of the scheme into categories.<sup>2</sup>

**(2)** Different chapters of this deed apply to different categories of members.

**(3)** This chapter applies to all members.

**(4)** Chapters 2 to 9 provide for the particular categories of members to which they apply.

**References to period of membership etc. for members transferring from discontinued schemes**

**9.(1)** This section applies to a member who, under section 34 of the Act, ceased being a member of a discontinued scheme and became a member of this scheme in a category other than the defined benefit category.

**(2)** A reference in this deed to the member's period of membership includes a reference to the period for which the member was a member of the discontinued scheme.

**(3)** A reference in this deed to the time the person became a member is a reference to the time the member became a member of the discontinued scheme.

**(4)** A reference in this deed to contributions or payments in relation to the member under this scheme includes a reference to the equivalent contributions or payments in relation to the member under the discontinued scheme.

**(5)** A reference in this deed to the member's salary at or for a time during membership includes a reference to the member's salary at or for the relevant time during membership of the discontinued scheme.

**(6)** A reference in this deed to an entitlement under this scheme in relation to the member includes a reference to the equivalent entitlement in relation to the member under the discontinued scheme.

**(7)** A reference in this deed to an election, approval or other decision under this scheme in relation to the member includes a reference to the

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<sup>2</sup> See section 22 (Membership categories).

equivalent election, approval or other decision in relation to the member under the discontinued scheme.

(8) A reference in this deed to the doing or happening of anything else, or the existence of any other state of affairs, in relation to the member includes a reference to the doing or happening of the equivalent thing, or the existence of the equivalent state of affairs, in relation to the member while a member of the discontinued scheme.

(9) Subsections (2) to (8) apply except so far as the context or subject matter otherwise indicates or requires.

### **References to matters relating to other persons with entitlements under discontinued schemes**

**10.(1)** This section applies to a person who was entitled to a benefit under a discontinued scheme, other than as a member of the scheme, immediately before the scheme was discontinued on the commencement of the *Superannuation and Other Legislation Amendment Act 1997*, part 6.

(2) Section 9(2) to (8) applies to the person as if a reference to a matter relating to membership were a reference to the equivalent matter relating to the person's entitlement to the benefit.

(3) Subsection (2) applies except so far as the context or subject matter otherwise indicates or requires.

### **Cross references**

**11.** A reference in a chapter of this deed to a provision by number, without specifying a chapter of this deed or another law, is a reference to the provision, in the chapter, designated by the number.

*Examples—*

1. A reference in chapter 4 to 'section 36' is a reference to the provision, in chapter 4, designated as section 36.

2. A reference in chapter 4 to 'section 36 of chapter 5' is a reference to the provision, in chapter 5, designated as section 36.

## **PART 2—BOARD OF TRUSTEES**

### **Functions and duties of board**

**12.** The Board shall administer the scheme in accordance with the provisions of this deed and the Act for the purpose of providing benefits upon retirement and certain other contingencies for present and future members of the scheme and their dependants.

### **Powers and authorities**

**13.** In addition to any other powers and authorities contained in the Act or this deed, the board may—

- (a) open and close banking accounts and give directions as to the operation of such bank accounts; and
- (b) obtain temporary finance to overcome cash flow problems in the payment of benefits; and
- (c) consult and obtain the advice or services of an actuary or other consultant specialising in superannuation matters or any other person whose advice or services the board may consider should be obtained for the purposes of the proper administration of the scheme; and
- (d) deduct tax from any payment out of the fund or, to the extent that the board determines, deduct any amount of tax that may be or is assessed upon contributions credited to or income earned from the investment of the assets of the fund, and remit any amount of tax payable to the government authority entitled thereto; and
- (e) institute, conduct, defend, compound or abandon any legal proceedings by or against the fund or its officers or otherwise concerning the affairs of the fund and also compound and allow time for payment or satisfaction of any debts due and of any claims or demands by or against the fund; and
- (f) make and give receipts, releases and other discharges for money payable to the fund and for claims and demands on the fund; and
- (g) pay benefits out of the fund to persons entitled thereto; and

- (h) in case of mental or physical ill-health, or incapacity of a person entitled to benefits, pay or apply such benefits or any part thereof, at its discretion to or for the benefit of such person and the dependants of such person and in such proportions between them as the board may determine; and
- (i) insure all or part of any liability (contingent or otherwise) in respect of any benefits that could arise under or pursuant to this deed; and
- (j) do all acts and things as and when and in the manner it considers in its discretion necessary or expedient or convenient for or in connection with the management, operation, control and administration of the scheme and for the exercise and performance of its powers, authorities, functions and duties.

### **Discretionary power of the board**

**14.(1)** Where the board is satisfied, after such inquiry as it thinks necessary, that a person has lost or ceased to be entitled to a right, privilege, or benefit under this scheme to which that person was otherwise entitled or might have obtained, and that it is just and equitable that the person should be allowed to have the enjoyment of the right, privilege, or benefit, the board may permit the person to exercise the right or grant to the person the privilege or benefit.

**(2)** The board may, in the exercise of its power under subsection (1) impose such conditions and requirements as it may think just.

## **PART 3—THE FUND**

### **Income and expenditure**

**15.** There shall be credited to the fund—

- (a) all contributions paid by members;
- (b) all investment earnings of the fund;

- (c) all contributions paid by the Treasurer to the fund under the scheme;
- (d) all contributions paid by an employer to the fund;
- (e) all other moneys received by or on behalf of the board in respect of the scheme;

and there shall be paid from the fund—

- (f) all tax payable; and
- (g) benefits payable in accordance with this deed to persons who are entitled to benefits from the fund; and
- (h) all the expenses for the establishment, amendment and operation of the fund incurred from time to time.

### **Investment**

**16.(1)** The board shall arrange for the investment of all moneys for the time being standing to the credit of the fund that in the board's opinion are not immediately required for the payment of benefits in accordance with this deed or for the purposes of the Act.

**(2)** Upon the expiry of the appointment of the Queensland Investment Corporation as investment manager of the fund, moneys for the time being standing to the credit of the fund shall be invested in a manner approved for the time being by the Governor in Council whose approval may be of a particular investment or of a class of investment.

### **Investment manager's obligations**

**17.(1)** The investment manager appointed for the purposes of section 11(6) of the Act shall be appointed to act as agent of the board in the investment of moneys for the time being standing to the credit of the fund that are available for investment.

**(2)** All investment of moneys shall be arranged through the investment manager.

**(3)** The investment manager—

- (a) shall comply with all requirements of the Governor in Council

with respect to the manner in which the board's moneys may be invested; and

- (b) shall operate within any investment strategy and policy as may be determined for the time being by the board; and
- (c) shall report to the board on the state of the board's investment and the investment market at such times and in such manner as the board determines.

### **Appointment of actuary**

**18.(1)** The board shall from time to time arrange for the appointment of an actuary to advise it in relation to the fund generally and in the particular instances where reference is made in this deed to the advice of the actuary.

**(2)** A person appointed under subsection (1) must be a fellow or an accredited member of the Institute of Actuaries of Australia.

### **Actuarial reports**

**19.(1)** An investigation and report as to the state and sufficiency of the fund shall be made by the actuary periodically so that there shall not be a period longer than 3 years between successive such investigations.

**(2)** Any report given shall include—

- (a) a statement of assets of the fund; and
- (b) a statement as to any liability for benefit payments not expected to be financed out of the assets of the fund or any future contributions to the fund; and
- (c) any other matters which the actuary may consider appropriate generally.

**(3)** The board shall provide a copy of the actuary's report to the Treasurer, and upon request, a copy or an extract of that report to any member.

## **PART 4—MEMBERSHIP**

### **Determinations by board**

**20.** The board is to determine whether—

- (a) a person is eligible for membership of the scheme; or
- (b) a person's membership of the scheme is compulsory or discretionary;

if any doubt exists because of a notice under section 13(1) of the Act.

### **Cessation**

**21.** An employed member may not at the instance of that member cease to be an employed member so long as that person is employed by the same employer.

### **Membership categories**

**22.(1)** Each member belongs to 1 or more of the following categories—

- defined benefit member
- accumulation member
- State 58 member
- State 72 member
- police 68 member
- police 74 member
- fire member
- preservation member.

**(2)** A member may become a member of a category under—

- (a) a notice under section 13(1) of the Act; or
- (b) a provision of this deed.



**Initial membership categories applying after discontinuance of schemes**

**23.(1)** This section states the membership categories applying, on the commencement, to a member who, immediately before the commencement, was a member of this scheme or a discontinued scheme.

**(2)** The following are the membership categories for a member who was a member of this scheme—

- (a) for an employed member—defined benefit member;
- (b) for a member who has ever ceased to be an employed member (whether or not the member is now an employed member)—preservation member.

**(3)** The following are the membership categories for a member who was a member of a discontinued scheme—

- (a) for a member of the scheme operated under the *Fire and Rescue Authority Act 1990*—fire member;
- (b) for a member of the scheme operated under the repealed *Superannuation (Government and Other Employees) Act 1988*—accumulation member;
- (c) for a member of the scheme operated under the repealed *Police Superannuation Act 1968*—police 68 member;
- (d) for a member of the scheme operated under the repealed *Police Superannuation Act 1974*—police 74 member;
- (e) for a member of the scheme operated under the repealed *Public Service Superannuation Act 1958*—State 58 member;
- (f) for a member of the scheme operated under the repealed *State Service Superannuation Act 1972*—State 72 member.

**(4)** In this section—

**“commencement”** means the commencement of the *Superannuation and Other Legislation Amendment Act 1997*, part 6.

## **PART 5—MEDICAL AND OTHER EVIDENCE**

### **Persons to give information**

**24.** Every member and every person claiming a benefit or making a withdrawal from a voluntary preservation account or in receipt of a pension shall from time to time give the board such information or evidence or such authorisation as may be necessary to obtain that information or evidence, and produce such documents, as the board shall consider to be required for the purpose of the proper administration of the scheme.

### **Medical examinations**

**25.** An employed member who lodges a claim for a benefit relating to disablement shall submit to such medical examinations as the board may reasonably direct.

## **PART 6—TRANSFERS**

### **Transfers in**

**26.(1)** The board may in its absolute discretion receive from some other superannuation pension or like scheme or fund or from the trustees or administrators or other controlling body thereof any moneys in respect of a member's interest in that other scheme or fund or from a life assurance office or from a previous employer of that member or from such other source approved by the board.

**(2)** The board shall after consultation with the actuary, advise the member of the manner in which the board intends to deal with those moneys.

### **Transfers out**

**27.(1)** The board may pay to another superannuation, pension or like scheme or fund any moneys in a member's voluntary preservation account.

(2) If a member is a person or a member of a class of person declared under section 13(4) of the Act to be excepted from the Act, the board may pay to another superannuation, pension or like scheme or fund an amount representing the member's entitlements under the scheme as determined by the board on the advice of the actuary.

(3) If a member is transferred from a unit of the State public sector to another entity because of the transfer of a function of the unit to the entity, the board may pay to the entity's superannuation, pension or like scheme or fund an amount representing the member's entitlement under the scheme as decided by the board on the advice of the actuary.

## **PART 7—MISCELLANEOUS**

### **Information to members**

**28.(1)** The board shall supply in writing to each member—

- (a) on becoming a member; and
- (b) after the close of each financial year; and
- (c) upon ceasing to be a member;

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

### **Rounding of monetary amounts**

**29.** The amount of a contribution or benefit calculated under the deed, when expressed in dollars and cents, must be rounded to the nearest cent.

## **PART 8—DISPUTES**

### **Appeal to board**

**30.(1)** Any person aggrieved by any decision of the executive officer or his delegate may appeal to the board for reconsideration of the executive officer's decision.

**(2)** The appeal to the board shall be by way of rehearing.

## **CHAPTER 2—DEFINED BENEFIT MEMBERS**

### **PART 1—PRELIMINARY**

#### **Application**

**31.** This chapter applies to defined benefit members.

#### **Definitions for ch 2**

**32.** In this chapter—

**“annual compulsory contribution rate”** means the compulsory contributions paid in respect of an employed member in a review year divided by the member's annual review date salary, expressed as a percentage.

**“annual review date”** means 1 July in any year.

**“annual review date salary”** means the salary as at the annual review date except that where an employed member commences membership other than on an annual review date then the annual review date salary in respect of the period prior to the occurrence of the first annual review date shall be the salary of that member at commencement of membership.

“**average rate**” means the percentage obtained by dividing the sum of the annual compulsory contribution rates by contributory membership.

“**AWOTE**” means the amount of Average Weekly Ordinary Time Earnings in Australia published by the Australian Bureau of Statistics.

“**child**” means—

- (a) each child of an employed member; and
- (b) any other person who at the death of the member or other relevant event was, in the opinion of the board wholly or substantially financially dependent on the member; and
- (c) who in either case is under the age of 16, or is under the age of 25 and in the opinion of the board in receipt of full-time education.

“**compulsory contributions**” means the contributions paid in respect of an employed member pursuant to section 35.

“**contributory membership**”, subject to section 54, means the total number of years including any part of a year of all periods during which compulsory contributions have been received or under this deed taken to have been received in respect of an employed member, but excludes any period of membership in respect of which any benefit other than a temporary disablement benefit, has previously been determined under part 4.

“**early retirement**” means retirement which the employer is lawfully entitled to approve and which in the opinion of the board constitutes genuine retirement, occurring at an age less than 55 years.

“**final average salary**” or “**FAS**” means the average, having regard to the periods of time for which they were respectively applicable, of the annual review date salaries applicable for the 1 year (or any shorter period where membership is less than 1 year) immediately preceding retirement or the occurrence of any other relevant event.

“**final salary**” or “**FS**” means the annual review date salary applicable immediately prior to the occurrence of the relevant event unless the event occurs less than 1 year before the member’s 55th birthday in which case the final salary shall be taken to be FAS but limited to the period from the date the member attained age 54 (or later commencement of membership if applicable) to the occurrence of the relevant event.

**“involuntary termination”** means compulsory retrenchment which in the opinion of the board is genuine retrenchment, or non renewal by the employer or termination by the employer of a contract of employment, the employer being lawfully entitled so to retrench, fail to renew or terminate as the case may be, but does not include dismissal on account of misconduct.

**“membership”** means membership of the scheme.

**“non-preserved amount”**, of a member, means an amount received by the board under section 26 that is not a preserved amount.

**“permanent and partial disablement”** means disablement of a degree which in the opinion of the board is such as to render an employed member permanently unfit to discharge or incapable of discharging the duties of the member’s office efficiently, but is not total and permanent disablement.

**“preservation cashing condition”**, for a member, means the member—

- (a) permanently retiring from the workforce at 55 years or more; or
- (b) turning 60 years; or
- (c) dying; or
- (d) becoming totally and permanently disabled.

**“preserved amount”**, of a member, means—

- (a) an amount received by the board under section 26 that the board has undertaken to pay to the member only if a preservation cashing condition has been complied with; or
- (b) the amount of the member’s benefit, decided by the actuary, that is enough to avoid payment of the superannuation guarantee charge from 1 July 1994; or
- (c) a contribution received by the board for the member under part 5 that is paid by the employer.

**“prospective membership”**, for an employed member, means the period expressed in years and any part of a year from the death or disablement of the member to the member’s 55th birthday.

**“review year”** means the period of 12 months commencing on an annual review date except that where a person is not an employed member for

the whole of the 12 months then the review year shall be taken to be that period of a financial year for which the person is an employed member.

**“salary”** means in respect of a member the remuneration expressed as an annual figure, which in the opinion of the board is permanent, excluding, unless determined otherwise by the Governor in Council on the recommendation of the board, any sum paid by way of fees or allowances, other than the allowance paid to a member who is a teacher based on the number of pupils attending the school in which the teacher is employed.

**“smoothed earning rate”** means a rate of interest, decided by the board after receiving appropriate advice, that reasonably reflects the after tax earnings derived from the investment of member contributions to the fund, having regard to—

- (a) the cost of administering the fund; and
- (b) the charges incurred in the investment of member contributions; and
- (c) the allocation to, or deduction from, any reserve held for smoothing returns from the investment of member contributions.

**“spouse”**, in relation to a member, includes a person who in the opinion of the board although not legally married to that member, lives with the member on a bona fide permanent domestic basis as the husband or wife of the member.

**“standard compulsory rate”**, for an employed member, means—

- (a) 5%; or
- (b) if, under a notice under section 13 of the Act, another rate is fixed for the member as a special condition of membership—the other rate.

### **Commencement of membership**

**33.** A person’s membership commences—

- (a) in the case of a person whose membership is declared by notice under section 13(1) of the Act to be compulsory—

- (i) on the day the person became required to contribute as an employed member; or
  - (ii) on the day on which the person became a person mentioned in the notice;  
whichever is the earlier; and
- (b) in the case of a person whose membership is declared by notice under section 13(1) of the Act to be discretionary, on such day as in the circumstances of the case the board determines to be fair and equitable.

### **Continuity of membership when changing employers**

**34.** Where an employed member changes employment or is to change employment from one employer to another employer and the period between ceasing employment with one employer and commencing employment with the other employer does not exceed 1 month the member may elect to continue membership in the scheme, subject to such conditions as to the payment of contributions as the board may determine.

## **PART 2—MEMBER CONTRIBUTIONS**

### **Member compulsory contributions**

**35.(1)** There shall be made contributions for each employed member being an amount within the range of—

- (a) in the case of a member who is a member of the Queensland Police Service—3% to 9%; or
- (b) in the case of any other member—2% to 8%;

of the member's annual review date salary as is determined by the member in accordance with subsection (4).

**(2)** Subsection (1) applies subject to part 3.

**(3)** In the absence of special arrangements negotiated between the board and the particular member, where an employed member is absent from the



service of the employer without pay, contributions to the scheme shall be suspended until the member's pay recommences.

(4) An employed member may nominate the rate of contribution to be made provided that any nomination is to be made by notice in writing to the employer upon such conditions as the board may instruct from time to time having regard to the proper administration of the scheme.

(5) Where an employed member fails to make a nomination the rate of contribution shall be the standard compulsory rate.

(6) The employer shall adjust the contributions to be paid to the board in respect of an employed member in accordance with changes in the annual review date salary of the member and the contribution rate nominated under subsection (4).

(7) Notwithstanding subsections (1) to (6), benefits payable under this deed shall be calculated on the average rate of contributions paid in respect of an employed member and the board is not required to pursue any member or employer in respect of any shortfall in contributions paid to the board.

### **Average rate in excess of the standard compulsory rate**

36. Where the average rate of contributions in respect of an employed member at an annual review date is in excess of the standard compulsory rate, any excess shall be credited towards the member's voluntary contribution account established under section 59.

### **Contributions in excess of the maximum rate**

37.(1) Where the average rate of contributions for an employed member is less than the standard compulsory rate, the board shall not allow compulsory contributions in excess of—

- (a) in the case of a member who is a member of the Queensland Police Service—9% of the member's salary; or
- (b) in the case of any other member—8% of the member's salary;

to be made in respect of the member to make up part or all of the shortfall other than for the purpose of correcting what are, in the opinion of the board, minor discrepancies.

(2) The board may allow the additional contributions to be deducted from the member's voluntary contribution account.

### **Voluntary contributions**

**38.(1)** Voluntary contributions may be made to the scheme in respect of a member in such manner as the board shall from time to time instruct.

(2) Subsection (1) applies subject to part 3.

(3) Contributions made under the provisions of this section shall be credited towards the member's voluntary contribution account.

### **Compulsory contributions after benefit determined**

**39.** Where a total and permanent disablement benefit has been credited to an employed member's voluntary preservation account but the member has not ceased employment with the employer, any further compulsory contributions paid by the member shall be taken to be voluntary contributions for the purpose of section 38.

### **Authority to deduct contributions**

**40.(1)** Subject to subsection (2), the employer is authorised to deduct such contributions as are required by section 35 from the employed member's salary and shall forward to the board the contributions paid by each member in such manner and at such times as the board shall instruct.

(2) Subsection (1) does not apply to contributions constituting amounts that are required to be paid to the Treasurer under section 28(1) of the Act.

(3) If any contribution is not in the hands of the board within the time specified the board may determine that interest shall accrue on that contribution at a rate determined by the board while the contribution remains outstanding, and, if the board does so determine, interest shall so accrue and become payable by the relevant employer to the board and upon payment shall become part of the fund.

## **PART 3—ACCEPTANCE OF CONTRIBUTIONS**

### **Acceptance of contributions—member under 65**

**41.** The board may accept contributions for a member who is under 65 years only in the following circumstances—

- (a) while the member is employed for at least 10 hours a week;
- (b) for up to 2 years after the member ceases to be employed for at least 10 hours a week;
- (c) for up to 7 consecutive years while the employed member—
  - (i) is on authorised leave to raise children, of whom the member is a parent, or for whom the member has assumed the responsibility of a parent; and
  - (ii) has a statutory or contractual right to resume employment at the end of the authorised leave.

### **Acceptance of contributions—member 65 or over**

**42.** The board may accept contributions for a member who is 65 or more years old only if the member is—

- (a) employed for at least 10 hours a week; and
- (b) less than 70 years old.

## **PART 4—BENEFITS**

### **Benefit on age retirement**

**43.** Where an employed member retires or otherwise leaves the service of the employer on or after the member's 55th birthday the board shall credit to the member's voluntary preservation account a percentage of final average salary comprised of—

- (a) the member's compulsory contribution benefit; and
- (b) the member's basic benefit.

### **Member's compulsory contribution benefit**

**44.(1)** The employed member's compulsory contribution benefit shall be the sum of that member's annual compulsory contribution accruals.

**(2)** An annual compulsory contribution accrual shall be a percentage determined in accordance with the following formula—

~~standard compulsory contribution rate~~ x ~~compulsory contribution rate~~ applicable to that member

### **Member's basic benefit**

**45.(1)** The employed member's basic benefit shall be the sum of that member's annual basic benefit accruals.

**(2)** The annual basic benefit accrual shall be a percentage determined in accordance with the following formula—

$$A \times B$$

where A is that part of the annual review year during which compulsory contributions have been received, or under this deed taken to have been received, in respect of a member; and

B is the basic benefit % in schedule 1 applicable to that member.

### **Benefit on total and permanent disablement**

**46.(1)** Where an employed member becomes totally and permanently disabled before attaining the age of 55 years the board shall credit to the member's voluntary preservation account a percentage of final salary comprised of—

- (a) the member's compulsory contribution benefit; and
- (b) the member's prospective membership benefit if payable; and
- (c) the member's basic benefit.

**(2)** An employed member who is eligible to receive a prospective

membership benefit may elect but not later than 3 months after the board has made its determination under subsection (1), to convert the entitlement credited to the member's voluntary preservation account in respect of the amounts referred to in subsection (1)(a) to (c) (including any interest accrued thereon) to an annual pension.

(3) The annual pension shall be payable from the date of the board's determination and shall be the product of—

- (a) FS; and
- (b) 75%; and
- (c) the ratio of the percentage determined in subsection (1) and—
  - (i) in the case of an employed member who is a member of the Queensland Police Service—857.5%; or
  - (ii) in the case of any other employed member—735%.

(4) However, the maximum annual pension payable is 75% of FS.

(5) The annual pension is to be indexed under section 53.

(6) The board may reduce or suspend the pension provided for in subsection (2) where the recipient—

- (a) engages in any business or occupation on the recipient's own account; or
- (b) is employed.

(7) Upon the death of a former employed member who had been receiving a pension under subsection (2) above within a period of less than 5 years since the pension commenced to be paid, there shall be credited to the voluntary preservation account of that former employed member an amount determined in accordance with the following formula—

(5—period in years and any part of a x current annual rate of pension.  
year pension has been paid for)

### **Member's prospective membership benefit**

**47.(1)** An employed member's prospective membership benefit shall be the applicable percentage as set out in schedule 1 multiplied by prospective membership and shall be payable where—

- (a) a member has 10 years or more contributory membership; or
- (b) (i) the member has fewer than 10 years contributory membership; and
  - (ii) the member lodged a personal medical statement at or about the time of entry to membership; and
  - (iii) the board is of the opinion that the total and permanent disablement or death was not related to a condition that was disclosed on the personal medical statement or which in the opinion of the board should reasonably have been disclosed on the personal medical statement; or
- (c) (i) the member has fewer than 10 years contributory membership; and
  - (ii) the member did not lodge a personal medical statement at or about the time of entry to membership; and
  - (iii) it is established to the satisfaction of the board that the total and permanent disablement or death was not related to a condition that ought reasonably to have been disclosed had a personal medical statement been submitted at or about the time of entry to membership.

(2) Where compulsory contributions have not been received in respect of an employed member for 2 years or such longer period (but not exceeding 3 years) as the board may consider to be just and equitable in the circumstances, the member shall for the purposes of this scheme not be entitled to a prospective membership benefit until compulsory contributions are again received.

(3) In this section—

**“contributory membership”** does not include a period of membership included under section 54.

### **Benefit on death**

**48.(1)** Where an employed member dies before reaching the age of 55 years the board shall credit to that member’s voluntary preservation account the amount determined as for total and permanent disablement as provided for in section 46(1).

(2) If a condition stated in section 47(1)(a), (b) or (c) is complied with, the board must pay for each child of a deceased employed member a pension of \$76.15 a fortnight indexed under section 53.

(3) Subsection (2) applies regardless of the member's age at the time of death.

(4) Whilst a child is under 18 years of age the pension shall be paid to the person who in the opinion of the board has for the time being the care and control of the child.

### **Benefit on permanent and partial disablement**

49. Where an employed member becomes permanently and partially disabled before attaining the age of 55 years the board shall credit to the member's voluntary preservation account a percentage of final salary comprised of—

- (a) the member's compulsory contribution benefit; and
- (b) the member's basic benefit.

### **Benefit on temporary disablement**

50.(1) Where an employed member who, if totally and permanently disabled would be entitled to a prospective membership benefit becomes temporarily disabled and has been absent from duty on sick leave without salary for a continuous period of 14 days (whether or not working days) or such lesser period as the board determines in a particular case to be fair and equitable, the member shall receive a pension equal to 75% of final salary.

(2) The pension shall be indexed in accordance with section 53.

(3) The board may reduce or suspend the pension provided for in subsection (1) where the recipient—

- (a) engages in any business or occupation on the recipient's own account; or
- (b) is employed; or
- (c) is in receipt of workers' compensation.

(4) For the purpose of calculating an annual compulsory contribution

accrual in respect of any year in which the employed member was in receipt of a temporary disablement benefit, the employed member shall be taken to have contributed at the standard compulsory rate in respect of the period for which the temporary disablement benefit was paid, together with the period of 14 days without salary (or such lesser period as the board may have determined in that regard) prior to the payment of that benefit.

(5) Where in the opinion of the board, the total of all periods during which an employed member was, as the result of any 1 condition, in receipt of temporary disablement benefit is more than 2 years, the member shall not be entitled to any further temporary disablement benefit in respect of that condition.

(6) This section applies to an employed member regardless of the member's age.

(7) This section does not apply to an employed member who is a member of the Queensland Police Service.

### **Benefit on involuntary termination or early retirement**

51. In the case of involuntary termination or early retirement of an employed member there shall be credited to that member's voluntary preservation account a percentage of final salary comprised of—

- (a) the member's compulsory contribution benefit; and
- (b) the member's basic benefit.

### **Benefits on withdrawal**

52.(1) Where a member ceases to be an employed member and is not entitled to any other benefit under this deed there shall be credited to that member's voluntary preservation account a benefit equal to the amount of the member's compulsory contributions, accumulated with interest at the applicable smoothed earning rates, compounded annually.

(2) The board shall credit to the voluntary preservation account of a member, being a member whose member's voluntary preservation account has been credited with a benefit under subsection (1), an amount determined in accordance with subsection (3) on the occurrence of the earlier of the following events—



- (a) the 55th birthday of that member; or
- (b) the death of that member; or
- (c) the total and permanent disablement of that member.

(3) The amount referred to in subsection (2) shall consist of the sum of 2 components which shall be calculated in accordance with subsections (4) to (6).

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

- (a) final salary shall be determined on the basis that the relevant event is the cessation of employment referred to in subsection (1); and
- (b) **“indexed final salary”** means the final salary, indexed from the date of cessation in accordance with subsection (7).

(5) The first component of the amount shall be the member’s basic benefit of indexed final salary.

(6) The second component is the percentage of indexed final salary obtained by subtracting from the members’ compulsory contribution benefit the amount (converted into a percentage of final salary) paid to the member’s voluntary preservation account under subsection (1).

(7) For the purposes of this section, indexed final salary is the greater of the following amounts—

- (a) the final salary multiplied by the AWOTE for the quarter occurring 2 quarters before that in which the applicable event in subsection (2) occurred, divided by the AWOTE for the quarter occurring 2 quarters before that in which the cessation of employment in subsection (1) occurred; and
- (b) the final salary.

### **Indexation of pensions**

53.(1) Pensions payable under sections 46, 48 and 50 shall be indexed annually by the increase or decrease in the Consumer Price Index (All Groups) Brisbane.

(2) Pensions shall be indexed from the first pay-period occurring wholly in the month of August for the preceding financial year.

(3) Where the percentage change in the Consumer Price Index (All Groups) Brisbane in a financial year is less than 1, no adjustment shall be made.

(4) Where in respect of 2 succeeding years the percentage change in each year was less than 1 but the aggregate was more than 1, the aggregate change shall be applied.

### **Contributory membership of persons who again become employed members**

54.(1) Where a member who has had a benefit determined under this part credited to the voluntary preservation account again becomes an employed member then contributory membership shall include membership relevant to that benefit provided the member has not made a withdrawal from the voluntary preservation account in respect of the benefit.

(2) The amount credited to the voluntary preservation account under subsection (1) (including any accrued interest) is to be deducted from the member's account.

### **Benefit on employed member turning 70**

55. The board must credit an employed member's benefit under the scheme to the member's voluntary preservation account as soon as practicable after the member—

- (a) turns 70 years; and
- (b) is not employed for at least 30 hours a week.

## **PART 5—CROWN CONTRIBUTIONS**

### **Payments from the fund**

56. Subject to section 58, any payment out of the fund of a pension or withdrawal payable under this deed shall be satisfied, to the extent possible,

from the amount of the contributions paid by the member together with accumulated interest at the applicable smoothed earning rates, compounded annually, remaining after any prior payment by way of pension or withdrawal from the fund.

### **Crown contributions**

**57.** In accordance with section 29 of the Act, the Treasurer shall pay to the fund, for payment out of the fund each pension or withdrawal payable under this deed to the extent that it cannot be satisfied in accordance with section 56.

### **Crown contributions for temporary disablement**

**58.** In accordance with section 29 of the Act, the Treasurer shall pay to the fund for payment out of the fund each temporary disablement benefit under this deed.

## **PART 6—VOLUNTARY CONTRIBUTION ACCOUNT**

### **Voluntary contribution account**

**59.(1)** The board may establish a voluntary contribution account for a member.

**(2)** The following amounts must be credited to the account—

- (a) contributions received under sections 36 and 38;
- (b) interest under section 60;
- (c) amounts received under section 26, and any other amounts received under this deed, that the board considers are most appropriately dealt with by payment to the account.

**(3)** The following amounts must be debited from the account—

- (a) amounts withdrawn from the account for payment to, or in relation to, the member under this deed;

- (b) reasonable administrative fees and charges decided by the board;
- (c) insurance premiums paid under section 65;
- (d) any other payments or deductions under this deed that the board considers are most appropriately dealt with by deduction from this account.

**Interest on accounts**

**60.** The board must, from time to time, credit each voluntary contribution account with interest compounded annually at the smoothed earning rate.

**Voluntary withdrawals from the voluntary contribution account**

**61.(1)** An employed member may only withdraw all or part of the non-preserved amount in the member's voluntary contribution account.

**(2)** The board may impose reasonable constraints on minimum amounts, times and frequencies of withdrawals.

**Closure of account when employment ceases**

**62.(1)** This section applies if a member—

- (a) ceases to be an employed member; or
- (b) is at least 65 years old and is not employed for at least 10 hours per week; or
- (c) is at least 70 years old and is not employed for at least 30 hours per week.

**(2)** The board must, as soon as practicable, transfer any amount in the member's voluntary contribution account to the member's voluntary preservation account.

**PART 7—MISCELLANEOUS**

**Personal medical statement**

**63.(1)** A person may on becoming, or on again becoming, an employed member complete a personal medical statement in the form provided by the board from time to time and furnish it to the board.

**(2)** The board may request an employed member to provide further information or submit to medical examinations following the completion of the personal medical statement.

**Salary reduction**

**64.** Where—

- (a) the board credits an amount to an employed member's voluntary preservation account under part 4; and
- (b) the member's annual review date salary for any year of membership of the scheme was less than for a previous year or years of membership; and
- (c) the board, after consulting the actuary and having regard to the reduction in salary and benefits that occurred and to the length of time the member received the higher salary, determines in its absolute discretion that an additional amount to compensate wholly or partly for the reduction should be credited to the account referred to in paragraph (a);

the board must credit the additional amount to that account.

**Voluntary insurance**

**65.(1)** The board may provide insurance against death or for total and permanent disablement to members on such terms and conditions as may from time to time be determined in accordance with the conditions of a group life assurance policy entered into by the board for those purposes.

**(2)** The members referred to shall mean and include only those members—

- (a) who have made prior written application to the board; and
- (b) who are in the opinion of the board then eligible to participate in the group life assurance policy referred to in this section; and

(c) whom the insurer under the group life assurance policy approves.

(3) The premiums payable by the board on behalf of each member in respect of the insurance shall be deducted from the member's voluntary contribution account.

(4) Where a member's voluntary contribution account has insufficient funds to meet the payment of the premiums in subsection (3) above, the board may cancel that member's insurance.

(5) The proceeds of any insurance in respect of a member effected under this section shall be taken to be contributions paid by that member for the purposes of sections 38(2) and 56.

### **Members in part-time employment**

**66.(1)** An employed member who has been in the part-time employment of an employer during a period of membership shall, for the purposes of this deed, be taken to always be part-time for that period of membership.

(2) For the purposes of this section, a membership ratio means the proportion, expressed as a percentage, that the fixed ordinary time hours of work required by the terms and conditions of employment of an employed member employed part-time bears to the ordinary time hours of work that would have been so required of the member had the member been employed at all times in that position on a full-time basis.

(3) The hours worked by the employed member working on a part-time basis shall exclude any hours that the member is occasionally or recurrently required to work, or is bound by the terms and conditions of the member's employment to work at particular times, in addition to the number of ordinary time hours required of the member normally.

(4) Except where an employed member is in receipt of a benefit under section 50, the salary of an employed member employed on a part-time basis shall be taken to be the salary that would be payable had that member been employed on a full-time basis in that position.

(5) The compulsory contributions to be paid in respect of an employed member pursuant to part 2 shall be calculated as a product of the member's salary, the contribution rate applicable under that part and the membership ratio of the member.

(6) When the annual basic benefit accrual is calculated according to section 45(2), it is additionally to be multiplied by the aggregate of the membership ratios for that review year having regard to the periods of time for which they were respectively applicable.

(7) Subject to subsection (8), any prospective membership benefit shall be calculated according to section 47, and shall additionally be multiplied by the aggregate of the membership ratios of the employed member, having regard to the periods of time for which they were respectively applicable, for the whole of that member's period of contributory membership.

(8) Where a person who was an employed member employed on a part-time basis for any period became, and continued to the time that person ceased to be an employed member as, an employed member employed on a full-time basis, the amount credited in respect of that member under subsection 46(1) shall not be less than it would have been had that person first become an employed member at the time that person became an employed member employed on a full-time basis.

## **CHAPTER 3—ACCUMULATION MEMBERS**

### **PART 1—PRELIMINARY**

#### **Application**

**67.** This chapter applies to accumulation members.

#### **Definitions**

**68.** In this chapter—

**“employer contributions”** means contributions made to the fund under part 3, division 2.

**“member's accumulated employer contributions”** means in respect of a member as at a particular date, an amount equal to that member's

employer contributions together with interest accrued with respect thereto less any administrative fees and charges and any insurance premiums paid in relation to the member.

**“member’s accumulated personal contributions”** means in respect of a member as at a particular date, an amount equal to that member’s personal contributions to the scheme made under section 76 together with interest accrued less (where applicable) any administrative fees and charges.

**“preservation cashing condition”** means an event mentioned in section 79(a) to (e).

**“preserved amount”**, of a member, means—

- (a) an amount received by the board for the member under part 3, division 2; or
- (b) the member’s accumulated personal contributions that, on 30 June 1994, were required to be preserved under the *Occupational Superannuation Standards Regulations 1987* (Cwlth), regulation 9;<sup>3</sup> or
- (c) an amount received by the board under section 26(1) that the board has undertaken to pay to the member only if a preservation cashing condition has been complied with.

**“salary”**—

- (a) for a member who is also a police 74 member—means the rate of payment made by way of fixed remuneration to the member and does not include an amount paid by way of fee or allowance; or
- (b) otherwise—
  - (i) has the meaning given by chapter 5, section 165; but
  - (ii) includes an amount paid by way of fee or allowance that the Governor in Council has decided is to be included in the member’s salary.

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<sup>3</sup> *Occupational Superannuation Standards Regulations 1987* (Cwlth), regulation 9 (Preservation standards)



## **PART 2—ACCEPTANCE OF CONTRIBUTIONS**

### **Acceptance of contributions—member under 65**

**69.** The board may accept contributions for a member who is under 65 years only in the following circumstances—

- (a) while the member is employed for at least 10 hours a week;
- (b) for up to 2 years after the member ceases to be employed for at least 10 hours a week;
- (c) for up to 7 consecutive years while the employed member—
  - (i) is on authorised leave to raise children, of whom the member is a parent, or for whom the member has assumed the responsibility of a parent; and
  - (ii) has a statutory or contractual right to resume employment at the end of the authorised leave.

### **Acceptance of contributions—member 65 or over**

**70.** The board may accept contributions for a member who is 65 or more years old only if the member is—

- (a) employed for at least 10 hours a week; and
- (b) less than 70 years old.

## **PART 3—MEMBERSHIP AND CONTRIBUTIONS**

### *Division 1—Eligibility*

#### **Eligibility for benefits**

**71.** A person becomes a member of the scheme on and from the date on which the employer commences to make contributions to the fund on behalf of that member under division 2 and is entitled to benefits under the

scheme under parts 4 and 5.

### ***Division 2—Employer contributions***

#### **Payment of contributions**

**72.(1)** The employer of a member who has not attained the age of 70 years shall pay to the board on each pay day on and from the day that is the first pay day in July 1988 for and on behalf of a member employed by it an amount equal to the prescribed percentage of the salary paid to the employee on each pay day.

**(2)** However, where contributions have not been paid in respect of a person employed by an employer because the basis on which that person is employed is such that the employer is of the opinion that such person is not a member under the scheme and at some time during the course of a financial year such person becomes a member on receiving a yearly salary from the person's employer that is at least 50% of the tax-free threshold for taxation purposes under the *Income Tax Assessment Act 1936* (Cwth), then the employer shall pay to the board an amount equal to the prescribed percentage of the salary paid to the member in the preceding period of 12 months.

**(3)** Subsections (1) and (2) apply subject to section 69.

**(4)** In this section—

**“prescribed percentage”** means—

- (a) if the member is also a State 72 member, police 74 member or member of a prescribed scheme—3%; or
- (b) otherwise—6%.

**“prescribed scheme”** means a scheme the Minister decided, under the Gosuper articles, section 7, definition “prescribed percentage”, paragraph (a), to be a scheme to which the Gosuper articles, article 5, applied.

**“Gosuper articles”** means the repealed Articles of the Government Officers' Superannuation Scheme.

**Contributions while member is on workers' compensation**

**73.(1)** This section applies while a member is receiving compensation under the *WorkCover Queensland Act 1996* instead of salary paid by an employer.

**(2)** The employer must pay to the board, on the member's behalf, the amount payable under section 72 as if the member had been engaged in the member's normal work.

**Discretionary contributions**

**74.(1)** The board may, in its absolute discretion, receive from any employer, for and on behalf of a member in the employment of the employer who has not attained the age of 70 years, amounts in addition to those referred to in sections 72 and 73.

**(2)** Subsection (1) applies subject to section 69.

**Method of payment**

**75.** All payments to be made to the board by an employer under this chapter must be made by such method as the board from time to time directs.

*Division 3—Personal contributions***Payment of personal contributions**

**76.(1)** The board may in its absolute discretion accept from any member personal contributions paid by the member by such methods as the board may from time to time approve.

**(2)** Subsection (1) applies subject to part 2.

*Division 4—Member's account and interest*

**Member's account**

**77.(1)** The board must keep an account for each member.

**(2)** The following amounts must be credited to the account—

- (a) contributions made by the member's employer;
- (b) contributions received under section 26;
- (c) amounts received under section 74;
- (d) personal contributions received under section 76;
- (e) the proceeds of an insurance claim received under part 4, division 2, subdivision 1;
- (f) interest under section 78.

**(3)** The following amounts must be debited from the account—

- (a) benefits paid to, or in relation to, the member;
- (b) administrative fees and charges (including a provision for tax);
- (c) insurance premiums paid under part 4.

**(4)** An amount of administrative fees and charges debited from an account for a period must not be more than the interest credited to the account for the period for—

- (a) members with unclaimed benefits; and
- (b) members with an account balance of less than \$1 000.

**(5)** For subsection (4), administrative fees and charges do not include a provision for tax.

**Interest**

**78.** The board shall from time to time—

- (a) declare the interest rate which it intends to pay to the members; and
- (b) credit the account of each member with interest at the rate fixed by and in the manner determined by the board.

## **PART 4—BENEFITS AND PAYMENTS**

### *Division 1—Benefits*

#### **Time for payment of benefits**

**79.** Subject to part 5, the board shall pay the amount standing to the credit of the member's account ascertained under section 77 upon being satisfied of the occurrence of any 1 of the following events—

- (a) permanent retirement from the workforce after having attained the age of 55 years;
- (b) attainment of the age of 55 years if prior to the member's attainment of that age the member has already permanently retired from the workforce for a reason other than paragraph (c);
- (c) retirement on the grounds of total and permanent disablement, before attaining the age of 55 years;
- (d) death of the member;
- (e) the member—
  - (i) turns 70 years; and
  - (ii) is not employed for at least 30 hours a week.

#### **Persons entitled to payment of benefits**

**80.** A benefit payable under this division must be paid to the member or, if the member is dead, to the member's legal personal representative or to such person or corporation as the board after the receipt of an application for the payment thereof in its sole discretion may determine.

#### **Application to be made for benefits**

**81.** A member or the person or corporation claiming to be entitled to the benefit of a deceased member shall make application to the board for the payment of the benefit in such manner and produce such evidence of entitlement to payment of the benefit as the board in its sole discretion may determine.

**Transfer of benefits**

**82.** If a benefit is paid to a member under chapter 5, section 183(2) or 185 or chapter 7, section 292(2) or 294, the member's accumulated employer contributions must be applied to the payment.

***Division 2—Death and disablement insurance******Subdivision 1—Insurance against death or total and permanent disablement*****Definitions**

**83.** In this subdivision—

**“insurance terms”** means the terms decided under section 86.

**“insured member”** means a member insured under this subdivision.

**Provision of insurance**

**84.(1)** The board must provide insurance against the death, or total and permanent disablement, of each person who—

- (a) becomes a member on or after 1 July 1995; or
- (b) was, on 30 June 1995, being provided insurance under a group life assurance policy entered into by the board; or
- (c) becomes an insured member under section 85.

**(2)** However, the board is not required to provide the insurance to a person who, under the insurance terms, ceases to be an insured member.

**(3)** The board may enter into a group life assurance policy to provide some or all of the insurance.

**(4)** Subsection (1) does not apply to a member—

- (a) who was, on 31 October 1996, an employee of the Commissioner of Fire Service established under the *Fire Service Act 1990*; and

(b) whose employment under that Act has continued.

(5) Also, subsection (1) does not apply to a person mentioned in subsection (1) who gives written notice to the board that the person does not wish to be insured under this subdivision.

(6) To remove doubt, it is declared that subsection (1) applies to a person mentioned in subsection (5) who later gives written notice to the board that the person wishes to be insured under this subdivision.

### **Admission of other members**

**85.(1)** This section applies to a member who—

- (a) became a member before 1 July 1995; and
- (b) was not, on 30 June 1995, being provided insurance under a group life assurance policy entered into by the board.

(2) The board may, on application by the member under the insurance terms, admit the member as an insured member.

### **Insurance terms**

**86.(1)** The board must decide the terms on which the insurance is provided.

(2) The terms may, for example, include terms about the following matters—

- (a) requirements, including medical requirements, for eligibility to—
  - (i) become an insured member under section 85; or
  - (ii) increase the level of insurance cover provided to an insured member;
- (b) benefits;
- (c) the disclosure of relevant information to the board for the board to decide—
  - (i) an issue about the payment of a benefit; or
  - (ii) a member's eligibility to become an insured member or to increase the level of insurance cover provided to the

member; or

(iii) another issue relating to the proper conduct of the insurance scheme;

(d) ending a member's insurance cover.

### **Premiums**

**87.** Subject to its agreeing otherwise with an insured member, the board may deduct premiums for the member's insurance from the member's account.

#### *Subdivision 2—Insurance against temporary disablement*

### **Provision of insurance**

**88.** The board may also enter into a group life assurance policy to provide insurance to members against temporary disablement.

#### *Subdivision 3—Members ineligible for insurance*

### **Ineligible members**

**89.** A member who is also a police 74 member or State 72 member is ineligible for death or total and permanent disablement or temporary disablement insurance.

## **PART 5—MISCELLANEOUS PROVISIONS**

### **Preservation and portability on ceasing to be member**

**90.(1)** If a member ceases to be an employed member and has not been paid benefits under part 4, division 1, the amount in the member's account under section 77 must be—



- (a) if the member elects—
  - (i) credited to the member’s voluntary preservation account; or
  - (ii) transferred within the superannuation system; or
- (b) otherwise—kept in the member’s account.

(2) Should the member so elect in writing subject to this chapter, the board shall pay to the member his or her member’s accumulated employer contributions and, where applicable, his or her member’s accumulated personal contributions.

(3) Should the member so elect in writing, the provisions of subsection (1) shall not apply to his or her member’s accumulated personal contributions that are not preserved amounts.

### **Preservation and portability while member**

**91.(1)** A member may withdraw all or part of the amount in the member’s account ascertained under section 77 that was received by the board under section 26(1).

(2) The amount mentioned in subsection (1) does not include an amount that the board has undertaken to pay to the member only if a preservation cashing condition has been complied with.

## **CHAPTER 4—STATE 58 MEMBERS**

### **PART 1—PRELIMINARY**

#### **Definitions for ch 4**

**92.(1)** In this chapter—

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

“**contributor**” means an officer who contributes under this chapter to the

fund.

**“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.

**“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—

- (a) a State 58 member; or
- (b) a person, or a member of a class of person, declared, under a notice under section 13 of the Act, to be eligible for membership of the scheme in the State 58 category.

**“person in receipt of benefit”** means a person who is in receipt of annuity benefit or incapacity benefit under this chapter and includes a person who, but for an election under section 126, 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

*Superannuation (State Public Sector) Deed 1990*

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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.

**“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—

- (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.

(2) Where a contributor makes an election as is mentioned in section 110(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 chapter to have been retired from that employment.

(3) Notwithstanding any other provision of this chapter, 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 chapter, the contributor shall be deemed to have elected to retire and to have voluntarily resigned from employment at the time when the employment ceased.

(4) A reference in this chapter 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—CONTRIBUTIONS**

### ***Division 1—Contributions by officers***

#### **Commencement of contributions**

**93.(1)** Subject to this chapter, every person who is an officer shall contribute to the fund 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.

#### **Contributions to be paid periodically**

**(2)** 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.

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

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

**(5)** Any amount of the contributions and additional payments prescribed by section 100(6) to be made by a contributor not paid by deduction from the contributor's salary as prescribed by subsections (2) and (3) 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 (2) and (3) 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.

**(6)** Notwithstanding subsections (2) to (5), 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.

**(7)** For the purposes of subsections (5) and (6), 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 have accrued to the fund and the consolidated fund had the same been duly paid.

(8) 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 chapter, 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.

(9) Where a person ceased to be an officer within the meaning of section 92 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 chapter be deemed to be and to have been an “officer” within the meaning of section 92 during the period in respect of which the person so contributes and this chapter shall apply in relation to the person accordingly.

### *Division 2—Scale of units*

#### **Salary for the purposes of this division**

94.(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**

**95.(1)** Subject to this chapter, 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 111, 113 and 116, and the number of units of those benefits respectively in respect of which an officer shall contribute is the number specified in schedule 2, column 2 opposite to the salary group in which his or her salary falls.

(2) 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.

(3) If the salary of a contributor is increased and, by reason of that increase, falls within a salary group in schedule 2, 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

*Superannuation (State Public Sector) Deed 1990*

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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 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 chapter 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

*Superannuation (State Public Sector) Deed 1990*

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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;

- (d) 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;
- (e) 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.

**(4)** Any increased contribution payable in pursuance of subsection (3)(a), (b) or (e) 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—

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

whichever is the later.

**(5)** Any increased contribution payable in pursuance of subsection (3)(c) and (d) 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.

**(6)** For the purposes of this division where the salary of an officer falls within the salary group, exceeding \$450.20 set out in schedule 2, 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.

**(7)** For the purposes of the application at any time in relation to a contributor of the formula in schedule 2, 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.

(8) For the purposes of contributions of officers in accordance with schedule 2 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 2, 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 chapter shall apply accordingly.

### **When officer may voluntarily increase contribution**

96.(1) Any officer who is not contributing to the fund for units of benefits to the number thereof specified in schedule 2 opposite to the salary 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 2 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.

(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.

(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 of board to exempt etc. from contributing**

**97.(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 chapter 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 chapter to be paid by 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 chapter.

(3) When the board does not specify the period for which it defers the contribution or any increased contribution required by this chapter 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 chapter.

(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 chapter, 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 chapter 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 96, or that section as applied by section 155, 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**

**98.(1)** Where the salary of a contributor has been reduced and by reason of that reduction falls within a salary group in schedule 2, 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 chapter 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 chapter.

### **Units of benefits to be contributed for in equal numbers**

99.(1) At all times units (including units to which division 4 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 103(3) and parts 4 and 5.

### **Period for which contributions are to continue**

100.(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 176 of chapter 5 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.

(2) 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 (3), in addition to continuing to contribute to the fund as provided by subsection (1) pay to

*Superannuation (State Public Sector) Deed 1990*

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the consolidated fund, in respect of the period of absence, the amounts that the officer's employer would be required to pay for the officer under section 28 of the Act, but for the absence.

(3) A contributor who would be required to pay contribution to the consolidated fund pursuant to subsection (2) 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 chapter shall be reduced by such amounts as are determined by the actuary and approved by the board.

(4) The Governor in Council may waive the requirement under subsection (2) 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.

(5) 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 chapter 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.

(6) A contributor who, pursuant to subsection (1) or (2), 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.

(7) Where a contributor to whom subsection (6) applies does not comply with subsection (6)(a) or (b) the benefits to which the contributor or the contributor's dependants may become entitled under this chapter may be reduced by such amounts as are determined by the actuary and approved by the board.

### **Refund of excess contributions**

**101.** Where a contributor has paid to the fund contributions in excess of those prescribed by this chapter, 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**

**102.(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 chapter, 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 95(8), in accordance with—
  - (i) in the case of male officers—schedule 3, part 1; and

*Superannuation (State Public Sector) Deed 1990*

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- (ii) in the case of female officers—schedule 3, 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 95(8))—in accordance with schedule 4.
- (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 chapter 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 96 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 pursuant to section 96 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

*Superannuation (State Public Sector) Deed 1990*

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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 4—Reserve units of benefits***

**Contribution for reserve units**

**103.(1)** A contributor who is contributing to the fund for units of benefits to the number thereof specified in schedule 2 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 is a contributor to the fund under part 5;

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



*Superannuation (State Public Sector) Deed 1990*

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with—

(A) in the case of male officers—schedule 3, part 1; and

(B) in the case of female officers—schedule 3, part 2;

(ii) with respect to units for which the officer commences to contribute after the said commencement—in accordance with schedule 4; 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 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**

**104.** 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 this chapter (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 3 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 2 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 this chapter (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**

**105.(1)** Subject to subsection (2) a contributor who is contributing for 1 or more reserve units of benefit may, subject to section 99, 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**

**106.(1)** Where a contributor contributes for reserve units of benefit pursuant to this division the benefits payable under this chapter 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 104 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 chapter 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**

**107.(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 136, 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 106, 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

*Superannuation (State Public Sector) Deed 1990*

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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 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 104 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 160 or attainment of the age of 65 years—such amount as is determined by the actuary 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 5—Payments by the Crown***

#### **Amount of contribution by the Crown**

**108.(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.

(2) This section does not apply in respect of—

- (a) any payment of annuity benefit, to which section 111(2) or section 146 applies; or
- (b) any payment of incapacity benefit to which section 147 applies; or
- (c) any payment prescribed by part 3, division 6 (other than section 122); or
- (d) any payment of annuity benefit, incapacity benefit or assurance benefit to which section 106 applies.

(3) Notwithstanding subsection (1), the contribution of the Crown under this section in respect of a payment pursuant to section 141(2), being a

payment of a prescribed amount as defined in section 141(4)(b), shall be an amount equal to the additional sum referred to in section 141(2) together with that part of the payment being interest calculated in accordance with section 141(4)(b) in respect of that additional sum.

## **PART 3—BENEFITS AND PAYMENTS**

### *Division 1—Benefits transferred to preservation account*

#### **Preservation account**

**109.** If a benefit is payable under this chapter to a member, other than by way of a pension, the board must credit the member's voluntary preservation account with the amount of the benefit.

### *Division 2—Annuity benefit*

#### **When entitlement to annuity benefit accrues**

**110.(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**

**111.(1)** Subject to subsections (2) and (3) and to part 4, division 4, 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 110 applies makes after the commencement of the *Superannuation Acts Amendment Act (No. 2) 1974*, part 3, an election as is mentioned in section 110(2)(d) to retire before the day 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—

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

(4) 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**

(5) Subject to this chapter, 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 110(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 3—Incapacity benefit*****When entitlement to incapacity benefit accrues**

**112.(1)** Save as otherwise prescribed by subsections (3) to (5) and by section 114, 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 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 136.

**(3)** A person shall not be entitled to incapacity benefit under this chapter 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 chapter accumulated at the rate of 1.25% per annum compound, and, in the case of a contributor to whom part 4 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 chapter 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**

**113.(1)** Subject to part 4, division 4, the unit of incapacity benefit is at the rate of \$3.84 per fortnight.

(2) Subject to this chapter, 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**

**114.(1)** A person who, after the passing of the *Superannuation Acts Amendment Act 1984*, is retired or permitted to retire from employment as an officer by reason of incapacity and 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 chapter.

(2) A person who is or was prior to his or her retirement a contributor under the *State Service Superannuation Act 1972* or a State 72 member is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to incapacity benefit under this chapter 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 chapter 5.

(3) An application under subsection (1)—

- (a) shall be made before the expiration of a period of 6 months after the date on which the entitlement to the incapacity benefit arises or arose; 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 147 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 107.

(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 chapter ceases.

#### *Division 4—Assurance benefit*

##### **Entitlement to assurance benefit**

**115.(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 121(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 chapter 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 110(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 110(2)(d), has commuted (pursuant to division 7 or part 4, division 8) for a lump sum the whole of the annuity

*Superannuation (State Public Sector) Deed 1990*

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benefit to which he was entitled under this chapter, 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;
  - (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 110(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 139(5) and (6), would have been entitled to an incapacity benefit under this chapter 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**

**116.** 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 5;
- (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 6;

*Superannuation (State Public Sector) Deed 1990*

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- (c) where entitlement thereto is derived through a person who immediately before his death was entitled to a pension under this chapter or who, but for the operation of section 139(5), or an application under section 126, would be entitled to a pension under this chapter, other than a person who has retired pursuant to an election referred to in section 110(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 7 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 chapter or, as the case may be, would have been entitled under this chapter but for the operation of section 139(5) and (5) or an application under section 126.

“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 110(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 7 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 chapter or, as the case may be, would have been entitled under this chapter but for an application under section 126.

“**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**

**117.(1)** Subject to this chapter, a widow to whom section 115 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 110(2)(d) and has commuted (pursuant to division 7 or part 4, division 8) for a lump sum the whole or a part of the annuity benefit to which he became entitled under this chapter, 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**

**118.(1)** Subject to this section, a widow to whom section 115(1) applies

*Superannuation (State Public Sector) Deed 1990*

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may elect not to receive assurance benefit for 1 or more units of assurance 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 116(c)—the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

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

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 chapter or would have been entitled under this chapter but for the operation of section 139(5) and (6) or an application under section 126.

“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 116(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—

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

- (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 chapter or would have been entitled under this chapter but for an application under section 126.

“**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 chapter ceases to be payable under this chapter if she remarries or marries.

(5) Where a person entitled to a widow’s pension under this chapter 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 115 or under section 185 of chapter 5 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**

**119.(1)** Notwithstanding the provisions of this chapter 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 115 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 118 not to receive any part of that amount but to receive a widow's pension in lieu thereof—

- (a) where section 161 is relevant to the case—in accordance with that section; or
- (b) in any other case—in accordance with section 118.



(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 5—Additional assurance benefit for children*

#### **Children entitled to additional assurance benefit**

**120.(1)** Subject to this chapter, 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 110(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 chapter; 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—

“eligible child” means—

*Superannuation (State Public Sector) Deed 1990*

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- (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**

**121.(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 133 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* was 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
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\$3.84 per fortnight divided by the number of children in respect of each child.

**(2)** 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 chapter 5, 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**

(3) 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.

(4) 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.

(5) 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.

(6) 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 115 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 6—Surrender values and refunds of contributions for annuity and assurance benefits***

**Endowment payment in lieu of units of assurance benefit**

**122.** 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 110(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**

**123.(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 110(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.

**(2)** 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 136 or to a person referred to in section 155(6) who dies.

**(3)** 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 chapter, 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 chapter 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.

**(4)** For the purposes of subsection (3)—

- (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) section 133 shall be disregarded in calculating entitlement under subsection (3).

(5) Subsections (3) and (4) applies to a contributor who makes an election as is mentioned in section 110(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 (3) 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 (4)(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 111(3).

### **Refunds of incapacity benefit contributions**

**124.(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 110(2)(d), from employment as an officer.

### **Refund of assurance benefit contributions**

**125.** 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 incapacity; or
- (c) his retirement from employment as an officer pursuant to an election referred to in section 110(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 7—Commutation of annuity benefit*

#### **Application to commute**

**126.(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 146 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 107) 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 110(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 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
- (b) in the case of a contributor who voluntarily resigns from his or

*Superannuation (State Public Sector) Deed 1990*

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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 110(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

- (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 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 123(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**

**127.(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 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 96, or that section as applied by section 155, 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



*Superannuation (State Public Sector) Deed 1990*

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of 60 years, to increase his or her contribution under section 96, or that section as applied by section 155, 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 110(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 96, or that section as applied by section 155, 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 129 to commute the contribution for any benefits under this chapter other than a commutation by way of a single premium of the contribution for units of benefits under this chapter effected under section 95 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 96, or that section as applied by section 155, 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 96 or that section as applied by section 155.

### **Ascertainment of lump sum payable**

**128.(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 126 is such amount as is determined by the actuary 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 126, the lump sum that is payable is such amount as is determined by the actuary 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 chapter 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 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 chapter if the application under section 126 had not been made.

**(4)** In the case of a contributor who voluntarily resigns, pursuant to section 160, from employment after he or she has attained the age of 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 126 shall be deemed to provide a benefit at such rate per fortnight as may be determined by the actuary and approved by the board.

**(5)** In the case of a contributor who, after the commencement of the *Superannuation Acts Amendment Act (No. 2) 1974*, part 3, makes an

*Superannuation (State Public Sector) Deed 1990*

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election as is mentioned in section 110(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 126 shall be taken to provide a benefit ascertained in accordance with the formula prescribed by section 111(3).

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

- (a) with respect to units the subject of an application under section 126 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 95(8)—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 126 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 95(8))—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 chapter if the application had not been made.

(7) 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 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 126 relates that may have become payable by the Crown under this chapter if the application had not been made.

(8) Any right conferred by this division on any contributor or other person does not derogate from any right conferred by section 151, 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 8—General provisions respecting benefits*****Right to prepay contributions**

**129.(1)** The board may permit a contributor to commute the contribution for benefits under this chapter, 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 chapter 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 chapter 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 chapter, 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**

**130.(1)** Except where otherwise provided in this chapter, 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**

131. Where in the opinion of the board payment of any benefit, refund of contributions or other payment under this chapter 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**

132. Subject to this chapter, where under this chapter an 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.

### **Adjustment of pensions**

133.(1) In this section—

“**basic rate**”, in relation to a benefit, means the rate at which the benefit was payable under the repealed *Public Service Superannuation Act 1958* when it came into force.

“**index**” means the all groups consumer price index for Brisbane published by the Australian Statistician.

“**pay-period**” means the period with respect to which the fortnightly or other periodic instalment of benefits is payable in pursuance of section 130(3).

(2) Subject to this section, a benefit under this chapter shall be adjusted

*Superannuation (State Public Sector) Deed 1990*

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by the board in each year in accordance with this section.

(3) The Government statistician shall, as soon as practicable after 30 June in each year, 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.

(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

*Superannuation (State Public Sector) Deed 1990*

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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—

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

(9) 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).

(10) Except as provided in subsection (11), 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.

(11) 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.

(12) 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.

**(13)** Where—

- (a) by reason solely of the operation of subsection (12), 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**

**134.(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 chapter 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.

**Variation of entitlement to adjustment**

**135.(1)** Where in the opinion of the board a person in receipt of a benefit under this chapter would be prejudicially affected by an increase in the



person's benefit under section 133 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).

(3) 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.

(4) 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.

(5) Unless it is otherwise determined by the board, for the purpose of determining the amount of benefit payable under section 116, 120 or 134 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 134, the amount of benefit that would have been payable to the person had no such determination been made.

### **Entitlement to receive incapacity benefit**

**136.** 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 ch 5**

**137.** Despite this chapter, 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 98 is—

- (a) the value thereof determined as prescribed by this chapter; or
- (b) the value determined in accordance with the provisions of chapter 5 that provide for contributor's pension, incapacity pension or, as the case may be, benefits upon contributor's death payable pursuant to that chapter, as if the contributor's salary as at 31 December 1972 were the contributor's final average salary, within the meaning of that chapter, divided by the number specified in schedule 2, column 2 set opposite the fortnightly salary range, specified in schedule 2, column 1, in which the contributor's salary fell as at 31 December 1972;

whichever is the greater.

### **Proof of continued incapacity**

**138.(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**

**139.(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 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.

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

**(4)** 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.

(5) 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.

(6) For the period for which payment of an incapacity pension is suspended under subsection (5) 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**

**140.** 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 this chapter, 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 under this chapter.

### **Postponement of payment of refunds**

**141.(1)** Notwithstanding the provisions of section 123, 124 or 125, 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 the Act under a notice under section 13(4) of the Act; 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 136;

and the contributor makes an election pursuant to section 191 of chapter 5 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 123, 124 and 125.

(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
- (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 191 of chapter 5 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 191 of chapter 5 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 191 of chapter 5 to operate, the sums which the elector would have been entitled to be paid pursuant to sections 123, 124 and 125 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 4—TRANSITIONAL PROVISIONS**

### *Division 1—Interpretation*

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

**142.** Except as otherwise provided in this chapter, 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 chapter.

#### **Application of pt 4**

**143.(1)** This part 4 applies to every officer required by this chapter 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 4—

“**officer**” means an officer to whom this part 4 applies.

#### ***Division 2—Contributions for annuity benefit by officers***

#### **Officer to make equivalent contribution for annuity benefits**

**144.(1)** Subject to this division, every officer shall, whilst the officer is required by this chapter 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.

(2) In respect of every 3 units of annuity benefit under this chapter to which subsection (1) applies, an officer (instead of contributing in accordance with schedule 3) 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 chapter.

(3) In respect of a number of units of annuity benefit under this chapter for which an officer is required to contribute according to schedule 2 in excess of the aggregate of 3 units of annuity benefit under this chapter 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 3.

(4) 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 3.

(5) Whilst the aggregate of 3 units of annuity benefit under this chapter for each unit of annuity benefit under the repealed Act exceeds the number of units of annuity benefit under this chapter for which an officer is for the time being entitled and required to contribute according to schedule 2, the officer shall not be entitled or required to contribute for units of annuity benefit under this chapter in excess of that aggregate.

(6) 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.

### *Division 3—Contributions for incapacity benefit by officers*

#### **Officer to make equivalent contribution for incapacity benefit**

**145.(1)** Subject to this division, every officer shall, whilst the officer is required by this chapter 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 chapter to which subsection (1) applies, an officer (instead of contributing in accordance with schedule 3) 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 chapter.

(3) In respect of a number of units of incapacity benefit under this chapter for which an officer is required to contribute according to schedule 2 in excess of the aggregate of 3 units of incapacity benefit under this chapter 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 3.

(4) Whilst the aggregate of 3 units of incapacity benefit under this chapter for each unit of incapacity allowance under the repealed Act exceeds the number of units of incapacity benefit under this chapter for which an officer is for the time being entitled and required to contribute according to schedule 2, the officer shall not be entitled or required to contribute for units of incapacity benefit under this chapter in excess of that aggregate.

(5) Whilst an officer is, pursuant to this part 4, contributing for units of incapacity benefit under this chapter in excess of the number of units of annuity benefit under this chapter 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 chapter unless, being thereunto entitled under this chapter, the officer increases his or her contribution under this chapter 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—Amounts respectively of annuity benefits and incapacity benefits*

##### **Annuity benefit**

**146.(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 chapter 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 2 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 chapter 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 110(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**

**147.** 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 chapter in excess of the number thereof for which he or she is then required to contribute according to schedule 2 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 chapter by reason of such retirement or sick leave of absence without salary, as the case may be.

### *Division 5—Other benefits under the repealed Act*

#### **Contribution for assurance benefit under the repealed Act**

**148.(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.

(4) 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.

(5) 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.

(6) 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.

(7) A contributor who makes an election as is mentioned in section 110(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.

(8) Except as prescribed by subsection (7), 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.

(9) Where a benefit under the repealed Act mentioned in subsection (7) 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.

### *Division 6—Medical certificates*

#### **When evidence of good health required**

**149.** Notwithstanding anything in this chapter—

- (a) an officer who has made an application to contribute voluntarily

*Superannuation (State Public Sector) Deed 1990*

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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

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

- (d) 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
- (e) 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
- (f) 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 7—Payments by the Crown***When Crown to make payments**

**150.** 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 chapter 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.

**Division 8—Commutation of benefits****Benefits which may be commuted**

**151.(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 chapter;
- (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 chapter;
- (c) in the case of an officer—units of annuity benefit under this chapter for which the officer's contribution is, pursuant to section 144, 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 chapter shall be deemed to provide a benefit at the rate of \$35 per annum.

### **Conversion of assurance benefit payable at death**

**152.(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.

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

**(3)** For this chapter 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**

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

## **PART 5—VOLUNTARY CONTRIBUTION FOR ANNUITY BENEFIT**

### **Application of this part**

**154.(1)** This part applies to any and every officer—

- (a) with respect to whom the board is not satisfied, whether under this chapter 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 149 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 chapter for each unit of annuity benefit under the repealed Act for which an officer to whom part 4 applies was contributing.

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

### **Voluntary contribution for annuity benefit or further annuity benefit**

**155.(1)** Any officer, contribution by whom to the fund is limited under this chapter, or the repealed Act, notwithstanding such limitation but subject to this part—

- (a) may elect to contribute to the fund for further annuity benefit under this chapter; 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 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 limitation imposed in the officer’s case under this chapter 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 96(3) and (4) apply to an officer who has elected under this part to contribute to the fund for further annuity benefit.

(5) Section 100(5) 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) 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 136;

section 110 does not apply with respect to any 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.

(7) The provisions of this chapter, 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 further annuity benefit contributed for by any officer as prescribed by this part.

(8) 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**

**156.(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.

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



(3) 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.

(4) 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**

**157.(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 3) shall continue to make to the fund the contribution therefor then being made by the person.

## **PART 6—MISCELLANEOUS**

### **When officer may continue to contribute after resignation**

**158.(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 chapter for which that officer or those officers respectively was or were contributing before such resignation.

(2) 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 chapter under, subject to, and in accordance with the provisions of this chapter 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 (4) and (5), become payable and be paid as prescribed by this chapter.

(3) 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.

(4) In respect of benefits under this chapter for which an officer to whom subsections (1) and (3) apply continues, pursuant to this section, to contribute under this chapter (unless the Governor in Council specifically approves payment in full as prescribed by this chapter 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 chapter, and in respect of all additional assurance benefit under this chapter (but not including any benefit or payment payable pursuant to part 3, division 6) the prescribed amounts thereof, shall be reduced to 35% of the sums which, save for this subsection and subsection (5), would be payable in respect thereof under this chapter.

(5) However, the amount of the unit of annuity benefit or of incapacity benefit under this chapter 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**

**159.** 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**

#### **160.(1)** Subject to this section—

- (a) a contributor—
  - (i) who voluntarily resigns from employment as an officer after 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 (18); 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.

#### **(3)** 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

*Superannuation (State Public Sector) Deed 1990*

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(c) shall specify the number of units of assurance benefit in respect of which the elector desires to substitute a widow's pension.

(4) In respect of each child who in relation to a contributor referred to in subsection (1)(a) is a child to whom section 120 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 121(1).

(5) Subject to subsection (6) 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 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.

(6) Subsection (5) 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.

(7) 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.

(8) A contributor mentioned in subsection (1)(a) who, pursuant to section 148, 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.

(9) Except as prescribed by subsection (8), 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.

(10) Where a benefit under the repealed Act mentioned in subsection (9) is not converted as provided by subsection (9), the amount thereof which

*Superannuation (State Public Sector) Deed 1990*

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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.

**(11)** Sections 123(3) and (4) and 146 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 123(3)(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'.

**(12)** In respect of excess units of annuity benefit mentioned in section 146 the entitlement to receive annuity benefit shall be at a rate per annum calculated by the actuary and approved by the board.

**(13)** In respect of units of annuity benefit mentioned in section 151(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.

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

**(15)** The board may refuse the application or may grant it in whole or in part.

**(16)** The amount of the lump sum to be paid in respect of any application under subsection (13) shall be such amount as is determined by the actuary and approved by the board.

**(17)** Except as prescribed by subsections (13) to (16), commutation of annuity benefit payable by virtue of this section shall not be allowed in any circumstances whatsoever.

**(18)** 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 under this chapter.

(19) The provisions of sections 123(1) and (2), 124 and 125 do not apply to a contributor who, pursuant to such an election, is entitled to be paid from the fund annuity benefit.

(20) 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**

**161.(1)** Notwithstanding any other provision of this chapter, 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—

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

(3) In subsection (2)—

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

“**B**” means—

*Superannuation (State Public Sector) Deed 1990*

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- (a) in the case of a male contributor—the factor set forth in schedule 9, 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 9, 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.

“P” means the fortnightly amount of pension.

(4) 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.

(5) The provisions of section 122 apply in relation to a contributor to whom subsection (1) applies with the modifications specified in the following table—

**TABLE**

<b>Expression modified</b>	<b>Modification</b>
‘section 110(2)(d)’	to be read as ‘section 161’
‘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’.

(6) Section 115(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).

(7) 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.

(8) The rate per fortnight of pension that a widow may, pursuant to section 118, 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.

(9) A contributor to whom subsection (1) applies who, pursuant to section 148, 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.

(10) Where a benefit under the repealed Act referred to in subsection (9) 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.

(11) Section 123(3) and (4) 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).

(12) Section 146(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.



(13) Sections 123(1) and (2), 124(1) and 125 do not apply to a contributor to whom subsection (1) applies.

### **Benefits upon retrenchment, involuntary termination etc.**

**162.(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 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.

### **Question as to incapacity etc. determined by board on medical practitioner’s report**

**163.** Whenever any question arises under this chapter 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**

**164.(1)** Notwithstanding anything to the contrary contained in this chapter and subject to sections 136 and 138, where any person, officer or contributor is required by or under this chapter—

- (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 chapter 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.

## CHAPTER 5—STATE 72 MEMBERS

### PART 1—PRELIMINARY

#### Interpretation

**165.(1)** In this chapter—

**“1958 Act”** means the repealed *Public Service Superannuation Act 1958*.

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

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

**“child to whom this chapter does not apply”** means—

- (a) a child of a relict of a member, born on or after the commencement of the *Superannuation Acts Amendment Act 1984* and the member’s death, who is not the issue of the member; or
- (b) a child of a divorced spouse of a member who is not the issue of the member.

**“child’s pension”** means a pension payable under part 3, division 4.

**“continuing contributor”** means a contributor who immediately before the commencement of the 1972 Act was a contributor under the 1958 Act and who on the said commencement continued to be a contributor under the 1958 Act and includes—

- (a) a person to whom section 171(3) relates who having been a contributor under the 1958 Act or an Act repealed by that Act again becomes an officer after the commencement of the 1972 Act.

**“contributor”** means an officer who contributes under this chapter to the fund and includes—

- (a) an officer who is required to contribute thereto but has not commenced his or her contributions;
- (b) an officer who has ceased to contribute thereto by reason of his or her age or incapacity.

**“contributor for category A benefits”** means a contributor whose contributions to the fund entitle the contributor, in addition to any other benefits to which the contributor may be entitled under this chapter, to an incapacity pension irrespective of the contributor’s length of service.

**“contributor for category B benefits”** has the meaning assigned to that expression by section 167(2) and includes a contributor deemed to be such under section 167(3).

**“contributor’s pension”** means a pension that is payable under this chapter to a contributor other than an incapacity pension.

**“final average increase in salary”**, in relation to a continuing contributor, means the amount by which—

(a) the contributor’s final average salary

exceeds—

(b) the fortnightly salary that the member would have received during the year immediately preceding the contributor’s attaining the age for retirement or the contributor’s earlier retirement from or death in service had the contributor’s salary remained constant at the rate in force at the date immediately before the commencement of the 1972 Act or, where the contributor is a person to whom section 171(3) relates, the rate in force at the date when the contributor was retired on the grounds of incapacity as mentioned in that subsection.

**“final average salary”** means—

(a) in relation to a contributor who, on or after the passing of the *Superannuation Acts Amendment Act 1984*, attains the age for retirement or earlier retires from employment as an officer otherwise than by retiring or being retired on grounds of incapacity and who, after the passing of that Act and during the 2 years immediately preceding the contributor’s attaining the age for retirement or the contributor’s earlier retirement, has received 1 or more increases in salary other than an increase in salary that, in the board’s opinion, is due to a variation in or a general ruling affecting an award or industrial agreement under the *Workplace Relations Act 1997*, or is a flow-on from such a variation or general ruling, or is a regular increment to which the contributor

*Superannuation (State Public Sector) Deed 1990*

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is entitled under the terms and conditions of the contributor's employment the final average salary ascertained in accordance with section 166;

- (b) in relation to any other contributor—the average fortnightly salary received by the contributor during the year immediately preceding the contributor's attaining the age for retirement or the contributor's earlier retirement from or death in employment as an officer.

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

**“incapacity pension”** means a pension that is payable under this chapter to a contributor who before attaining the age for retirement is retired or permitted to retire on the grounds of incapacity not due to wilful action on the part of such person for the obtaining of such pension or that is payable under this chapter to a contributor in respect of any period of leave of absence without salary for longer than 2 weeks, by reason of incapacity, from the contributor's employment as an officer and who, in either case, has satisfied the board as required by section 199.

**“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.

**“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—

- (a) a State 72 member; or
- (b) a person, or a member of a class of person, declared, under a

*Superannuation (State Public Sector) Deed 1990*

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notice under section 13 of the Act, to be eligible for membership of the scheme in the State 72 category.

**“pensioner”** means a person who is entitled to a pension under this chapter and includes a person who, but for an election under section 205, would be entitled to such a pension.

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

- (a) a person who was legally married to the deceased person at the date of death and, in the case of a deceased pensioner, at the date of the deceased pensioner’s attaining the age for retirement or the deceased person’s earlier final retirement from employment as an officer; and
- (b) a person who, for a continuous period of 3 years at the least immediately preceding the date of death of the deceased person or, in the case of a deceased pensioner, for a continuous period of 3 years at the least immediately preceding the date of the deceased pensioner’s attaining the age for retirement or of the deceased pensioner’s earlier final retirement, had ordinarily lived in a connubial relationship with the deceased person, and who in the board’s opinion was wholly or substantially dependent on the deceased person at the date of death.

**“relict’s pension”** means a pension payable under part 3, division 3.

**“retired”**, in relation to employment as an officer, means retired or required to retire from that employment.

**“salary”** means—

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

*Superannuation (State Public Sector) Deed 1990*

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officer by way of fixed remuneration for the officer's services, unless otherwise determined by the Governor in Council,

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

**“service”** means any period during which a person contributes, whether before or after the commencement of the 1972 Act, to the fund under this chapter, chapter 4 or any Act repealed by the 1958 Act and includes—

- (a) any period in respect of which the person is or was required to contribute thereto and before the first of the person's contribution is or was paid to the fund; and
- (b) any period during which contribution to the fund is or was suspended under section 170 of this chapter or section 100 of chapter 4; and
- (c) in the case of a continuing contributor—any unbroken period during which the person was employed by or under the Crown or a person or authority referred to in section 92 of chapter 4, definition “officer” immediately before becoming a contributor under chapter 4.

**“spouse”** means, in relation to any person, the male or female upon whose death the person has become or would become a relict of that male or female.

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

- (a) where a person having been retired or permitted to retire from the person's employment as an officer and having been in receipt of an incapacity pension under this chapter or incapacity benefit under chapter 4 or incapacity allowance preserved and continued by chapter 4, again becomes an officer—the period during which the person was so absent shall be deemed to comprise part of the person's service; and
- (b) where a person has received a refund of the person's contribution to the fund whether under this chapter or, in relation to annuity benefit, under chapter 4 or any Act repealed by the 1958 Act and

has subsequently recommenced contributing to the fund—the person’s employment before the date on which the person recommenced shall be deemed not to comprise part of the person’s service except where the person has received the refund in connection with having made an election under section 191(2); and

- (c) in the case of a continuing contributor whose employment as specified in paragraph (c) of the definition was in the opinion of the board, broken only by the continuing contributor’s employment with a public authority prescribed by the Minister for the purposes of this paragraph—the period of employment as firstmentioned in this paragraph shall be deemed not to have been broken by the employment with the public authority but shall not include any period during which the continuing contributor was employed with the public authority.

(3) For the purpose of ascertaining the final average salary of a person who is a pensioner or has died in service as an officer the salary received by that person during the period of 1 year immediately preceding the person’s attaining the age for retirement or the person’s earlier retirement from or death in service shall include any increase in salary of a position held by the person at any time during that period or, in the case of a member of the Land Court or a commissioner of the Industrial Conciliation and Arbitration Commission who is deemed to be an officer, in the salary that by definition is the person’s salary for the purposes of this chapter, being an increase that takes effect from a date within that period.

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

(5) For the purposes of subsection (1), definition “final average increase in salary”, a reference to the period of 1 year immediately preceding attaining the age for retirement or earlier retirement from or death in service shall be a reference to a period after the commencement of the 1972 Act and shall in the case of a continuing contributor whose length of service after the commencement of the 1972 Act at the time of retirement or death is less



than 1 year, be read as a reference to the contributor's actual period of service after the said commencement.

(6) A reference in this chapter 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.

(7) Where at any time during the period of 1 year immediately preceding the time of attaining the age for retirement or earlier retirement from or death in service a contributor has been absent on leave of absence on less than full pay the contributor's final average salary or the contributor's final average increase in salary shall be calculated as if the contributor continued to receive full pay during the whole of that period.

(8) Where a person ceases to be an officer within the meaning of subsection (1) but before the expiration of 1 month after 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 the person so ceasing to be an officer and the person 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 chapter be deemed to be and to have been an "officer" within the meaning of subsection (1) during the period in respect of which the person so contributes and this chapter shall apply in relation to the person accordingly.

(9) An application under subsection (8) shall be made within 3 months after the person again becomes an officer.

(10) Notwithstanding any other provision of this chapter, 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 the contributor's death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this chapter, the contributor shall be deemed to have elected to retire at the time when the employment ceased.

**Ascertainment of certain final average salaries**

**166.(1)** Where a contributor, on or after the passing of the *Superannuation Acts Amendment Act 1984*, retires from employment as an officer otherwise than by retiring or being retired on the ground of incapacity and has received  $t$  increase(s) in salary (where  $t$  is a positive whole number) being any prescribed increase or increases in salary received by the contributor on or after the passing of that Act and during the 2 years immediately preceding attaining the age for retirement or earlier retirement, the contributor's final average salary shall be ascertained in accordance with the formula—

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

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

where—

“**A**” means the contributor's final average salary had the contributor not received any prescribed increases in salary.

“**B<sub>t</sub>**” means the contributor's final average salary had the contributor received the  $t^{\text{th}}$  prescribed increase in salary for the period of 1 year immediately preceding attaining the age for retirement or earlier retirement from employment as an officer.

“**FAS<sub>t</sub>**” means the final average salary after  $t$  prescribed increase(s) in salary to be ascertained.

“**n<sub>t</sub>**” represents the number of whole months from the date on which the contributor received the  $t^{\text{th}}$  prescribed increase in salary until the day immediately preceding the day the contributor attained the age for retirement or earlier retirement from employment as an officer.

(2) For the purposes of subsection (1) an increase in salary is a prescribed increase in salary if it is one such that pursuant section 165, definition “final average salary”, paragraph (a) a final average salary is to be ascertained in accordance with this section.

## PART 2—CONTRIBUTIONS

### Obligation of officers to contribute to the fund

**167.(1)** An officer must contribute to the fund under this part.

(2) For this chapter, a person is a “**contributor for category B benefits**” if, under section 209, the person is ineligible to become a contributor for category A benefits under this chapter.

(3) A continuing contributor who is a contributor to the fund under chapter 4, part 5 only shall be deemed to be a contributor for category B benefits under this chapter and shall contribute under this chapter to the fund for such benefits as are referred to in section 180.

(4) If, at any time after a person becomes a contributor the person furnishes evidence to the satisfaction of the board that the person’s health and physical condition are such as to justify the person being accepted as a contributor for category A benefits, the person is entitled to become such a contributor—

- (a) where the person furnishes the evidence within 6 months after becoming an officer who is required under this chapter to contribute to the fund—on the date on which the person became such an officer; and
- (b) where the person furnishes the evidence after the expiration of 6 months after becoming an officer who is required under this chapter to contribute to the fund—on the date on which the board accepts the evidence furnished to it or such earlier date as the board in a particular case determines, being a date not earlier than the date on which the person became such an officer.

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

(6) Where absence from duty referred to in subsection (5), 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

contributor shall, unless the contributor elects pursuant to subsection (7), in addition to continuing to contribute to the fund as provided by subsection (5) pay to the consolidated fund, in respect of the period of absence, the amounts that the contributor's employer would be required to pay for the contributor under section 28 of the Act, but for the absence.

(7) A contributor who would be required to pay contribution to the consolidated fund pursuant to subsection (6) or a contributor for category B benefits who is absent from duty with leave of absence without salary by reason of incapacity and who has not completed 10 years service at the commencement of such absence may elect in writing furnished to the board not to pay contributions to the fund in respect of the period of 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 (if any) 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 chapter shall be reduced by such amounts as are determined by the actuary and approved by the board.

(8) The Governor in Council may waive the requirement under subsection (6) 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.

(9) Subject to the express provision of this chapter, any election to contribute or further contribute under this chapter shall be made before the expiration of 6 months after the officer becomes so eligible and where an officer being thereunto entitled does not elect within the prescribed time in which the officer may so elect, to contribute or further contribute under this chapter to the fund the officer is not obliged and shall not be permitted to so contribute or further contribute under this chapter to the fund.

**Commencement and cessation of contributions**

**168.(1)** The contributions under this chapter of an officer who must contribute under an election made under this chapter commence from the day the election is made or a later day decided by the board.

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

- (a) the officer ceases to be an officer; or
- (b) the officer attains the age for retirement; or
- (c) the officer's service as an officer, ascertained as prescribed by section 176, equals 42 years and 6 months;

whichever first occurs.

**Time and manner of paying contributions**

**169.(1)** Except as otherwise expressly provided in this chapter, the contributions of an officer shall be payable periodically from the officer's salary at such intervals and in such manner as may be prescribed and shall be deducted from salary payable to the officer accordingly, and, until otherwise prescribed, shall be payable by the officer and deducted fortnightly from the officer's salary.

**(2)** Deductions pursuant to this section shall be made by the person or authority by whom the officer is employed or having by law supervision or control in relation to the officer's employment and forwarded to the board fortnightly for payment into the fund.

**(3)** The deductions shall be made for the first time in each case on the first payday occurring after the contributions in respect of which they are to be made commence, as provided by section 168(1), and the full amount of all deductions so made shall be credited to the fund.

**(4)** A contributor who, pursuant to section 167(5) or (6), 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

*Superannuation (State Public Sector) Deed 1990*

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- (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.

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

(6) Where a contributor—

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

the board, on the application of the contributor, may permit the contributor to defer the contributor's contributions and other payments required by section 167(5) and (6) to be made by the contributor for such period as the board may approve, subject to such conditions as to the future payment of the contributor's contributions and such other payments as the board may impose (including conditions as to the payment of interest, at such rate (if any) as is determined by the board, on the contributions and such other payments so deferred) and, failing such an application, the contributor shall contribute to the fund at the times and in the manner prescribed.

(7) Any amount of the contributions and additional payments prescribed by this chapter or chapter 4 to be made by a contributor not paid by deduction from the contributor's salary as prescribed by subsections (1) to (3) shall, subject to subsection (4), be paid in such manner as the executive officer directs and, if directed by the executive officer, may be deducted from the contributor's salary in addition to the deductions from salary as prescribed by subsections (1) to (3) but—

- (a) the board may waive payment thereof wholly or in part; or
- (b) the board may determine that any such amount not so deducted and not otherwise recovered by the board be recovered by

*Superannuation (State Public Sector) Deed 1990*

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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.

**(8)** Where the board has exercised the power conferred by subsection (7)(b) the benefits from the fund to which the contributor concerned or any person deriving a benefit through the contributor is entitled shall be reduced by the amount in respect of which the power is exercised and the amount of interest that would have accrued to the fund and the consolidated fund (at the rate at which earnings would have accrued to the fund) had the contributions and additional payments been duly paid.

**(9)** The board may, where any amount of the contributions prescribed by this chapter or chapter 4 to be made by a contributor is not paid by deduction from the contributor's salary as prescribed by subsections (1) to (3), reduce the benefits to which the contributor or the contributor's dependants may become entitled under this chapter by such amounts as are determined by the actuary and approved by the board.

**(10)** Before reducing benefits in accordance with subsection (9), the board is to—

- (a) supply in writing to the contributor a statement containing details of the amount of the contributions that is due and unpaid and the reduction in benefits that will result if the amount is not paid;
- (b) give the contributor a reasonable time after receipt of the statement in which to pay, or arrange payment of, the amount due and unpaid.

**(11)** Notwithstanding subsections (1) to (10), the board may recover by action as for a debt any amount of the contributions and additional payments to be made by a contributor which is due and unpaid.

**(12)** For the purposes of subsections (7), (8), (9) and (11), the amount of any unpaid contributions and additional payments shall be the aggregate of the amount thereof due and unpaid and of interest thereon which would have accrued to the fund and the consolidated fund (at the rate at which earnings would have accrued to the fund) had the same been duly paid unless the board waives such interest wholly or in part.

**(13)** 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 chapter, and thereupon shall pay to the contributor a sum of money equal to the amount of the contributions and additional payments, whether paid or in arrears, payable by the contributor under this chapter to the fund or the consolidated fund to the date of such determination accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* 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 unless the board waives such interest wholly or in part.

(14) Except where it is otherwise provided by this chapter, a contributor—

- (a) shall continue to contribute as prescribed to the fund until the contributor attains the age for retirement or the contributor's employment as an officer is sooner terminated by earlier retirement, death, resignation or otherwise howsoever;
- (b) shall, in respect of a period of leave or absence, with or without salary, pay contribution, as for a period of service, without reduction.

### **Suspension of contribution**

**170.(1)** Where an officer has been absent from duty with leave of absence without salary by reason of incapacity for a continuous period of 14 days (whether or not working days) the officer's liability to pay contributions to the fund under this chapter 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.

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

- (a) who has not satisfied the board as required by section 199; or
- (b) in respect of whom the board has made a determination under section 201(2); or



- (c) who, being a contributor for category B benefits, has not completed 10 years service at the commencement of the period of absence in question unless the board has made a determination in respect of the contributor under section 210.

### **Rates of contribution**

**171.(1)** The amount of the contributions of a continuing contributor (not being an officer to whom subsection (3) relates) which shall be paid by the contributor periodically in addition to the amount of contributions payable by the contributor to the fund under chapter 4 shall be a sum calculated at the prescribed rate per centum of the amount by which the amount of the contributor's salary as at 30 June 1978 varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount by which the amount of the contributor's salary as at 1 October last preceding exceeds the amount of the contributor's salary on the commencement of the 1972 Act.

**(2)** The amount of the contributions of an officer (not being an officer to whom subsection (3) relates) who became an officer on or after the commencement of the 1972 Act or who was an officer on the commencement of the 1958 Act, but is not a continuing contributor, which shall be paid by the officer periodically, shall be a sum calculated at the prescribed rate per centum of the amount of the officer's salary as at 30 June 1978 (or in the case of an officer who commences to contribute after that date as at the date on and from which that officer commences to contribute) varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount of the officer's salary as at 1 October last preceding if the officer was at that date a contributor.

**(3)** The contributions of an officer who—

- (a) becomes an officer on or after the commencement of the 1972 Act; and
- (b) immediately before becoming an officer is in receipt of or eligible to receive an incapacity pension under this chapter or incapacity benefit under chapter 4 or incapacity allowance preserved and continued by the 1958 Act;

that shall be paid by the officer periodically shall be, in addition to the

contributions (if any) to the fund payable by the officer under chapter 4, the sum calculated at the prescribed rate per centum—

- (c) where the officer was an officer to whom subsection (2) applied before the officer was retired on the ground of incapacity—of the amount of the officer's salary as at the date he or she again becomes an officer varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount of the officer's salary as at 1 October last preceding if he or she was at that date an officer;
- (d) in any other case—of the amount by which the amount of the officer's salary as at the date he or she again becomes an officer varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount by which the amount of the officer's salary as at 1 October last preceding (if he or she was at that date an officer) exceeds the amount of the officer's salary at the time when the officer was so retired or at 31 December 1972 whichever is the earlier.

(4) A contributor who made an election under section 24(4) of the 1972 Act to increase the rate of his or her contributions must continue to contribute to the fund under this chapter at the rate decided by the board under section 24(4) of the 1972 Act in addition to the rate prescribed by this chapter (other than this subsection).

(5) A contributor who made an election under section 24(4A) of the 1972 Act to increase the rate of his or her contributions must continue to contribute to the fund under this chapter at the rate decided by the board under section 24(4A) of the 1972 Act in addition to the rate prescribed by this chapter (other than this subsection).

(6) Where, by reason that an officer becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1987* and after the officer has attained the age of 22 years and 6 months, the length of the officer's service, ascertained for the purpose of calculating the pension to be paid to the officer under this chapter, if the officer attains the age for retirement, will not amount to 42 years and 6 months, the officer may elect, within a period of 2 months after he or she becomes an officer to increase the rate of the officer's contribution and the board may determine that the additional rate of the contributions that, but for this subsection, would have

been payable by the officer shall be a sum calculated at such rate as the board, after consultation with the actuary, may determine, being a rate which, having regard to the fact that payments by the Crown will be in relation only to contributions by the officer that would be payable but for this subsection, will enable the length of service for the purpose of calculating the pension to be paid to the officer under this chapter to be regarded as the length of service ascertained in accordance with the board's determination under subsection (8) but not exceeding a maximum of 42 years and 6 months, and thereupon the officer shall be deemed to be required to contribute to the fund at the rate so determined in addition to the rate prescribed by this chapter (other than this subsection).

(7) A contributor who made an election under section 24(5) of the 1972 Act to increase the rate of his or her contributions must continue to contribute to the fund under this chapter at the rate decided by the board under section 24(5) of the 1972 Act in addition to the rate prescribed by this chapter (other than this subsection).

(8) Where the board has made a determination under subsection (4), (5), (6) or (7) in relation to an officer, the board may determine that, for the purpose of calculating the pension to be paid to the officer under part 3, the officer's length of service as an officer shall be regarded as being equal to the officer's actual length of service ascertained in accordance with this chapter plus such additional length of service as the board, after consultation with the actuary, may determine and thereupon this chapter shall apply to the officer accordingly.

(9) Where the board has made a determination under subsection (4), (5), (6) or (7) upon the election of an officer and the contributor satisfies the board that payment of such additional rate of the contribution by the officer is causing the officer undue hardship, the board may cancel its determination or vary the same by reducing, with the approval of the actuary, the additional rate of contributions to be paid by the contributor.

(10) Where in respect of a contributor the board, pursuant to subsection (9), cancels a determination under subsection (4), (5), (6) or (7), any determination under subsection (8) in respect of additional length of service of the contributor shall likewise be cancelled and cease to apply to or in respect of the contributor and the board shall make to the contributor a refund of such part of the contributor's contributions to the fund pursuant to subsection (4), (5), (6) or (7) as the actuary determines is justified having

regard to the reduced liability of the fund.

**(11)** Where in respect of a contributor the board pursuant to subsection (9) varies a determination under subsection (4), (5), (6) or (7), it shall make an appropriate variation of its consequential determination under subsection (8) of additional length of service in respect of the contributor and this chapter shall apply as if the determinations as so varied were at all relevant times the determinations originally made on the election of the contributor and the board shall make to the contributor a refund of such part of the contributor's contributions pursuant to subsection (4), (5), (6) or (7) as the actuary determines is justified having regard to the reduced liability of the fund.

**(12)** Except in the case of a contributor referred to in section 198, where the salary of a contributor is reduced to a rate less than the rate upon which contributions are, for the time being, calculated, the contributor shall thereupon, except as aforesaid, contribute to the fund in relation to the reduced rate of the contributor's salary and the board shall make to the contributor a refund of such part of the contributor's contributions to the fund as the actuary determines is justified having regard to the reduced liability of the fund, by reason of the reduction in salary, in respect of the prospective entitlement of the officer to benefits under this chapter and thereupon for the purpose of calculating the contributor's entitlement to benefits under this chapter the contributor's rate of salary in respect of any period before the time the contributor's salary was reduced shall be deemed not to have been in excess of the rate to which the contributor's salary was so reduced.

**(13)** Where a contributor has paid to the fund contributions in excess of those prescribed by this chapter, 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.

**(14)** If an officer made an election under section 24(4) of the 1972 Act before the commencement of the *Superannuation Acts Amendment Act (No. 2) 1974* and was a contributor at that commencement, the additional contribution under the election must be adjusted by the board as if that subsection as amended by that Act was in force at the date of the election.

**Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3**

**172.(1)** This section applies to a female contributor who made an election under section 24A of the 1972 Act and became entitled to increase the rate of her contribution to the fund sufficient to secure for her the benefits provided for by part 4, divisions 2 and 3 of the 1972 Act.

**(2)** The additional rate of contribution payable by the contributor continues to be the rate decided by the board under section 24A(3) of the 1972 Act.

**(3)** If in relation to a contributor by whom an additional rate of contribution is payable pursuant to this section the board makes a determination under section 171(9) that cancels or varies a board's determination made under section 171(4), (5), (6) or (7) in relation to that contributor, the additional rate of contribution payable by the contributor pursuant to this section shall be adjusted, having regard to that cancellation or variation, the ascertainment of the contributor's length of service for the purposes of this section shall be adjusted accordingly and the board shall make to the contributor a refund of such part of her contributions to the fund pursuant to this section as the actuary determines is justified, having regard to the reduced liability of the fund.

**Further provisions re contributions**

**173.(1)** In this part—

“**salary**”, in relation to an officer, means—

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

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

(3) Where the salary of a contributor is varied and the variation takes effect on or from a date earlier than the date prescribed under section 171(1), (2) or (3) as the date at which the salary is determined for the purpose of calculating the amount of contribution payable, the salary as so varied shall be the salary applicable for such purpose.

(4) For the purposes of section 171 the prescribed rate shall be—

- (a) in the case of a male contributor or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—
  - (i) who has attained the age of 20 years but has not attained the age of 25 years at the said time—4%; and
  - (ii) who has attained the age of 25 years but has not attained the age of 35 years at the said time—4.5%; and
  - (iii) who has attained the age of 35 years at the said time—5%; and
- (b) in the case of a female contributor who was a contributor immediately before the passing of the *Superannuation Acts Amendment Act 1984*—
  - (i) who has attained the age of 20 years but has not attained the age of 25 years at the said time—3.25%;
  - (ii) who has attained the age of 25 years but has not attained the age of 35 years at the said time—3.75%;
  - (iii) who has attained the age of 35 years at the said time—4.25%.

### **When officer may continue to contribute after resignation**

**174.(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 pension under this chapter for which that officer or those officers respectively was or were contributing before such resignation.

(2) 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 (other than incapacity pension unless otherwise expressly specified by the Governor in Council) under this chapter under, subject to, and in accordance with the provisions of this chapter applicable to contribution by him or her immediately prior to his or her resignation, for the benefit in question and any benefit in respect whereof he or she so continues to contribute shall, subject to subsection (5) become payable and be paid as prescribed by this chapter subject to such modifications as may be specified in the approval.

(3) However, the final average salary or the final average increase in salary of a person who continues to contribute under this section after resignation, shall be ascertained in relation to a period immediately preceding the person's resignation.

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

(5) In respect of benefits under this chapter for which an officer to whom subsection (1) applies continues, pursuant to this section, to contribute under this chapter (unless the Governor in Council specifically approves payment in full as prescribed by this chapter of all benefits for which the officer has continued to contribute) the amount of the benefits (not including any refund of contributions or any benefit attributable to the additional rate of contribution made under section 171(4)) payable pursuant to part 3 shall be reduced to two-sevenths of the amount which, save for this subsection, would be payable in respect thereof under this chapter.

## **PART 3—BENEFITS AND PAYMENTS**

### *Division 1—Benefits transferred to preservation account*

#### **Preservation account**

**175.** If a benefit is payable under this chapter to a member, other than by

way of a pension, the board must credit the member's voluntary preservation account with the amount of the benefit.

### *Division 2—Contributors' pensions and other benefits*

#### **Calculation of service**

**176.** For the purpose of calculating the pension to be paid to a contributor under this division—

- (a) any service as an officer, before attaining the age of 20 years shall be disregarded in ascertaining the contributor's length of service;
- (b) where the contributor's length of service as an officer after having due regard to the provisions of paragraph (a), exceeds 42 years and 6 months—the contributor's length of service shall be deemed to be 42 years and 6 months;
- (c) where the contributor is a person in relation to whom a determination has been made by the board under section 171(8)—the contributor's length of service shall, unless otherwise expressly provided by this chapter, be deemed to be the length of service ascertained in accordance with the board's determination;
- (d) any reduction in benefits determined by the actuary and approved by the board in respect of contributors to whom sections 167(7) and 169(4) and (5) apply shall be taken into account.

#### **Rights of contributors for category A benefits**

**177.(1)** Where a contributor for category A benefits (other than a continuing contributor)—

- (a) retires on attaining the age for retirement; or
- (b) 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; or
- (c) before attaining the age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on the



*Superannuation (State Public Sector) Deed 1990*

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contributor's part for the obtaining of any benefit under this chapter and satisfies the board as required by section 199;

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

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

$$P = \frac{A \times 3B}{170} + \frac{A \times 3F}{200}$$

where—

“A” means the final average salary of the contributor.

“B” means the contributor's length of service, expressed in years, accumulated before 1 July 1988.

“F” means the contributor's length of service, expressed in years, accumulated on and from 1 July 1988 or, in the case of a contributor who becomes entitled to an incapacity pension, that would have been accumulated on and from that date had the contributor continued to be an officer until the contributor attained the age for retirement.

“P” means the fortnightly amount of that pension.

(3) For the purpose of calculating the pension to be paid to a contributor to whom subsection (1)(c) relates, the contributor's length of service shall be calculated as if the contributor had continued to be an officer until the day on which the contributor would have attained the age of retirement.

(4) Where a contributor (not being a contributor who has made an election under section 171(4)), after attaining the age of retirement, continues to be an officer the contributor is entitled—

- (a) on attaining the age for retirement to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement; and
- (b) on retiring or being retired from employment as an officer to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which the contributor would have been entitled under this section if the

*Superannuation (State Public Sector) Deed 1990*

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contributor had retired on attaining the age for retirement.

(5) Where a contributor who, before the commencement of the *Superannuation Acts Amendment Act 1976*, has made an election under section 171(4), after attaining the age for retirement, continues to be an officer the contributor is entitled—

- (a) on attaining the age for retirement—
  - (i) to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if section 171(4) had not been enacted and the contributor had retired on attaining the age for retirement; and
  - (ii) to a pension determined by the board upon the advice of the actuary being a pension based upon the additional contributions made by the officer under section 171(4); and
- (b) on retiring or being retired from employment as an officer to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement.

(6) Where a contributor who makes an election under section 171(5) or (6), after attaining the age for retirement, continues to be an officer, the contributor is entitled—

- (a) on attaining the age for retirement—
  - (i) to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if section 171(5) or (6) had not been enacted and the contributor had retired on attaining the age for retirement; and
  - (ii) to a pension determined by the board upon the advice of the actuary being a pension based upon the additional contributions made by the officer under section 171(5) or (6); and
- (b) on retiring or being retired from employment as an officer to an increase in the pension payable under paragraph (a)(i), which shall then become payable at the rate of pension to which the

*Superannuation (State Public Sector) Deed 1990*

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contributor would have been entitled under this section if section 171(5) or (6) had not been enacted and the contributor had retired on attaining the age for retirement.

(7) An officer who—

- (a) becomes a contributor after the passing of the *Superannuation Acts Amendment Act 1978*; and
- (b) makes an election under section 171(5) or (6); and
- (c) elects to retire before his or her service, ascertained as prescribed by section 176, amounts to 42 years and 6 months;

is entitled to a pension in respect of the additional service determined under section 171(8), calculated in accordance with the formula—

$$P = A \frac{(3N \times M)}{(170 \ C)}$$

if the officer became a contributor before 1 July 1988 or in accordance with the formula—

$$P = A \frac{(3N \times M)}{(200 \ C)}$$

if the officer became a contributor on or after 1 July 1988;

where—

“A” means the final average salary of the contributor.

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

“M” means the contributor’s length of service, expressed in years, as at the time of retirement, not exceeding 42 years and 6 months.

“N” means the additional length of service determined by the board under section 171(8).

“P” means the fortnightly amount of the pension payable to the contributor; in addition to the pension to which the contributor would have been entitled if the contributor had not made the election.

(8) In respect of any period of sick leave of absence without salary for

longer than 2 weeks, by reason of incapacity, from employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit, and being such leave of absence approved by the person or authority authorised by law to approve such leave, a contributor for category A benefits (other than a continuing contributor) who satisfies the board as required by section 199 is entitled after the expiration of the first 2 weeks of such leave of absence to a pension at the rate of the pension to which he or she would have been entitled under this section if he or she had been retired, or permitted to retire, at the commencement of such period of leave on the ground of incapacity not due to wilful action on his or her part for the obtaining of such benefit.

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

### **Rights of continuing contributors for category A benefits**

**178.(1)** Where a continuing contributor for category A benefits—

- (a) retires on attaining the age of retirement; or
- (b) 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; or
- (c) before attaining the age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on his or her part for the obtaining of any benefit under this chapter and satisfies the board as required by section 199;

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

(2) Except as otherwise expressly provided in this section, the pension to be paid to a contributor to whom subsection (1) relates, in addition to the benefits to which the contributor may be entitled under chapter 4, is a fortnightly sum calculated in accordance with the formula—

$$P = \frac{A \times 3B}{170} + \frac{A \times 3F}{200}$$

where—

“**A**” means the final average increase in salary of the contributor.

“**B**” means the contributor’s length of service, expressed in years, accumulated before 1 July 1988.

“**F**” means the contributor’s length of service, expressed in years, accumulated on and from 1 July 1988 or, in the case of a contributor who becomes entitled to an incapacity pension, that would have been accumulated on and from that date had the contributor continued to be an officer until he or she attained the age for retirement.

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

(3) For the purpose of calculating the pension to be paid to a continuing contributor for category A benefits to whom subsection (1)(c) relates, the contributor’s length of service shall be calculated as if the contributor had continued to be an officer until the day on which the contributor would have attained the age for retirement.

(4) Where a continuing contributor for category A benefits, after attaining the age for retirement, continues in employment as an officer, the contributor is entitled, in addition to any benefits to which the contributor may be entitled under chapter 4—

- (a) on attaining the age for retirement—to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement; and
- (b) on retiring or being retired from employment as an officer—to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement.

(5) In respect of any period of sick leave of absence without salary for longer than 2 weeks, by reason of incapacity, from employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit, and being such leave of absence approved by the person or authority authorised by law to approve such leave, a continuing contributor for category A benefits who satisfies the board as required by section 199 is, in addition to the benefits to which the contributor may be entitled under chapter 4, entitled after the expiration

of the first 2 weeks of such leave of absence to a pension at the rate of the pension to which the contributor would have been entitled under this section if the contributor had been retired, or permitted to retire, at the commencement of such period of leave on the ground of incapacity not due to wilful action on his or her part for the obtaining of such benefit.

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

### **Rights of contributors for category B benefits**

**179.(1)** This section does not apply to or in relation to a contributor for category B benefits who is a continuing contributor.

(2) Where a contributor for category B benefits—

(a) before attaining the age for retirement is retired or permitted to retire on the ground of incapacity not due to wilful action on his or her part for the obtaining of any benefit under this chapter and satisfies the board as required by section 199; and

(b) has completed less than 10 years service at the time of retirement;

the contributor is entitled to be paid out of the fund a sum equal to  $3\frac{1}{2}$  times the total amount of the contributor's contributions (other than any additional contributions payable under section 171(4), (5) or (6) or under section 172) to the fund under this chapter and—

(c) in the case of additional contributions payable under section 171(4)—a sum equal to  $2\frac{6}{7}$  times the total amount of any such additional contributions;

(d) in the case of additional contributions payable under section 171(5) or (6)—a sum equal to the total amount of any such additional contributions;

(e) in the case of additional contributions payable under section 172—such sum as is determined by the actuary and approved by the board.

(3) Where a contributor for category B benefits—

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

*Superannuation (State Public Sector) Deed 1990*

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- (b) 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; or
- (c) before attaining the age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on his or her part for the obtaining of any benefit under this chapter, satisfies the board as required by section 199 and has completed at least 10 years service; or
- (d) continues to be an officer after attaining the age for retirement; or
- (e) retires or is retired from employment as such after continuing employment as an officer after attaining the age for retirement;

the contributor is entitled to the same pension as the pension that would have been payable to the contributor if the contributor had been a contributor for category A benefits.

(4) In respect of any period of sick leave of absence without salary for longer than 2 weeks, by reason of incapacity, from employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit and being leave of absence approved by the person or authority authorised by law to approve such leave, a contributor for category B benefits who satisfies the board as required by section 199 and who has completed at least 10 years service before the commencement of such leave of absence is entitled after the expiration of the first 2 weeks of such leave of absence to the pension that would be payable to the contributor if the contributor had been a contributor for category A benefits.

(5) For the purposes of this section, additional service determined by the board under section 171(8) shall be disregarded.

**Rights of continuing contributors who are contributors for category B benefits**

**180.(1)** This section does not apply to or in relation to a contributor for category B benefits who is not a continuing contributor.

(2) Where a contributor for category B benefits—

- (a) before attaining the age for retirement is retired or permitted to

*Superannuation (State Public Sector) Deed 1990*

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retire on the ground of incapacity not due to wilful action on his or her part for the obtaining of any benefit under this chapter and satisfies the board as required by section 199; and

(b) has completed less than 10 years service at the time of retirement;

the contributor is entitled, in addition to the benefits to which the contributor may be entitled under chapter 4, to be paid out of the fund a sum equal to  $3\frac{1}{2}$  times the total amount of the contributor's contributions to the fund under this chapter.

**(3)** Where a contributor for category B benefits—

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

(b) 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; or

(c) before attaining the age for retirement from service, is retired or permitted to retire on the ground of incapacity not due to wilful action on his or her part for the obtaining of any benefit under this chapter, satisfies the board as required by section 199 and has completed at least 10 years service; or

(d) continues to be an officer after attaining the age for retirement; or

(e) retires or is retired from employment as such after continuing employment as an officer after attaining the age for retirement;

the contributor is entitled in addition to any benefits to which the contributor may be entitled under chapter 4 to the same pension as the pension that would have been payable to the contributor if the contributor had been a continuing contributor for category A benefits.

**(4)** In respect of any period of sick leave of absence without salary for longer than 2 weeks, by reason of incapacity, from his or her employment as an officer, not being in respect of incapacity due to wilful action on the part of the contributor for the obtaining of such benefit and being leave of absence approved by the person or authority authorised by law to approve such leave, a contributor for category B benefits who satisfies the board as required by section 199 and who has completed at least 10 years service before the commencement of such leave of absence is, in addition to the benefits to which the contributor may be entitled under chapter 4, entitled after the expiration of the first 2 weeks of such leave of absence to the



pension that would be payable to the contributor if the contributor had been a contributor for category A benefits.

(5) For the purposes of this section, additional service determined by the board under section 171(8) and service before becoming a contributor shall be disregarded.

### **Benefits upon retirement before age 60**

**181.(1)** Notwithstanding any other provision of this chapter, where a contributor elects to retire at any time within the period of 5 years immediately preceding the day on which the contributor would attain the age of 60 years, the contributor is entitled to the payment of an amount calculated in accordance with the formula—

$$A = B \times C \times E (3D + 3F) \\ (170 \ 200)$$

where—

“A” means the amount payable.

“B” means—

- (a) in the case of a continuing contributor—the final average increase in salary of the contributor; or
- (b) in the case of any other contributor—the final average salary of the contributor.

“C” means—

- (a) in the case of a male contributor or a female contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—the factor 313; or
- (b) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—the factor 339.

“D” means the length of service of the contributor, expressed in years and ascertained as prescribed by section 176, accumulated before 1 July 1988.

“E” means the factor set forth in schedule 14 opposite the age in years and completed months as at the date of retirement set forth in that schedule.

*Superannuation (State Public Sector) Deed 1990*

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“**F**” means the contributor’s length of service, expressed in years and ascertained as prescribed by section 176, accumulated on and from 1 July 1988.

(2) Where a contributor to whom subsection (1) applies has acquired an additional length of service pursuant to section 171(8), then, for the purpose of calculating the contributor’s benefits in accordance with the formula expressed in subsection (1), such additional length of service shall be multiplied by the factor  $\frac{M}{C}$  where—

“**C**” means—

- (a) in the case of a contributor who became a contributor after the passing of the *Superannuation Acts Amendment Act 1978*—the length of service, expressed in years, which the contributor would have had if the contributor had continued as an officer until the contributor attained the age for retirement, not exceeding 42 years and 6 months; or
- (b) in the case of a contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1978*—the length of service, expressed in years, which the contributor would have had if the contributor had continued as an officer until the contributor attained the age of 60 years.

“**M**” means the contributor’s length of service, expressed in years, as at the time of retirement.

(3) 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 the contributor’s retirement calculated in accordance with the formula—

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

where—

“**A**” means the amount to which the contributor is entitled pursuant to subsection (1) or pursuant to that subsection and subsection (2).

“**B**” means—

- (a) in the case of a male contributor, or a female contributor who became a contributor on or after the passing of the

*Superannuation (State Public Sector) Deed 1990*

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*Superannuation Acts Amendment Act 1984*—the factor set forth in schedule 15, part 1 opposite the age in years and completed months as at the date of retirement set forth in that part of that schedule;

- (b) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—the factor set forth in schedule 15, part 2 opposite the age in years and completed months as at the date of retirement set forth in that part of that schedule.

“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.

“P” means the fortnightly amount of pension.

(4) An election under subsection (3)—

- (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.

(5) A male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who is a contributor to whom subsection (1) applies, is entitled, to the extent that the contributor does not elect pursuant to subsection (3), in addition to the benefits prescribed by subsection (1) to an amount determined by the actuary and approved by the board having regard to the period for which the contributor contributed to the fund before the passing of that Act.

**Benefits upon retrenchment, involuntary termination etc.**

**182.** 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 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;

*Superannuation (State Public Sector) Deed 1990*

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

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

where—

“A” means the amount payable.

“B” means the benefit to which the contributor would have been entitled under section 181 had the contributor accumulated as a contributor length of service, ascertained as described by section 176, to the age of 55 years and had retired upon attaining that age.

“C” means the contributor’s length of service, expressed in years, after attaining the age of 20 years or becoming a contributor, whichever is later, as at the time of retrenchment or involuntary termination other than by way of dismissal for misconduct or on the grounds of incapacity.

“D” means the length of service expressed in years which the contributor would have had after attaining the age of 20 years or becoming a contributor, whichever is later, had the contributor continued as a contributor until 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;

or to elect not to take that amount from the fund as if the contributor were a contributor referred to in section 191(2).

### **Construction of pension benefit formula in certain cases and transfer of funds**

**183.(1)** Sections 177, 178, 179, 180 and 181 apply subject to this section.

**(2)** In the case of—

- (a) a contributor who, before attaining the age for retirement is retired or permitted to retire on the ground of incapacity not due to wilful action on his or her part for the obtaining of any benefit under this chapter and satisfies the board as required by section 199;

the formula prescribed by any provision of section 177(2), 177(7), 178(2) or 181(1) shall be read and construed as if the expression ‘3’ therein were  
200

the expression ‘3’.  
170

(3) If a benefit is paid to a contributor mentioned in subsection (2) or a benefit is paid to a contributor under section 185, the amount of the contributor’s accumulated employer contributions under chapter 3 must be applied to the fund’s proportion of the benefit.

### **Minimum benefit payable**

**184.(1)** A person who ceases to be a contributor is entitled to the minimum benefit (if any) determined by the actuary.

(2) If the person is also entitled to benefits under chapter 3, the minimum benefit is to be determined taking into account the person’s benefits under that Act.

(3) The minimum benefit must be transferred to the person’s account under chapter 3.

(4) Subsection (1) applies despite any other provision of this chapter.

(5) In this section—

“**minimum benefit**” means the amount of payment, pension or preserved benefit entitlement that is determined to avoid payment of the superannuation guarantee charge.

“**superannuation guarantee charge**” means the charge imposed by the *Superannuation Guarantee Charge Act 1992* (Cwlth).

### ***Division 3—Benefits upon contributor’s death***

#### **Entitlement to benefit**

**185.(1)** Subject to subsections (3) and (5), in respect of—

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

*Superannuation (State Public Sector) Deed 1990*

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- (b) a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 172; or
- (c) a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984* and who when he or she died was—
  - (i) a contributor for category A benefits; or
  - (ii) a contributor for category B benefits and had completed at least 10 years service;

a relict of the contributor or, except in a case to which section 188(3)(b) applies, if there be no relict, the legal personal representative of the contributor or other person approved by the board is entitled to the payment of an amount calculated—

- (d) where the contributor had not attained the age of 60 years—in accordance with the formula—

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

where—

“A” means the amount payable.

“B” means—

- (i) in the case of a continuing contributor—the final average increase in salary of the contributor; or
- (ii) in the case of any other contributor—the final average salary of the contributor.

“C” means the factor set forth in schedule 11 opposite the age in years of the contributor as at the date of his or her death.

“D” means the length of service, expressed in years and ascertained as prescribed by section 176, which the contributor would have had if he or she had continued as an officer until the age of 60 years and had thereupon died;

- (e) where the contributor had attained the age of 60 years—in accordance with the formula—

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

where—

“A” means the amount payable.

“B” means—

- (i) in the case of a continuing contributor—the final average increase in salary of the contributor; or
- (ii) in the case of any other contributor—the final average salary of the contributor.

“C” means the factor set forth in schedule 12 opposite the age in years and completed months of the contributor as at the date of his or her death.

“D” means the length of service, expressed in years and ascertained as prescribed by section 176, of the contributor as at the date of his or her death, not exceeding 42 years and 6 months.

(2) Subject to subsections (3) and (5) a relict of—

- (a) a male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and who immediately before becoming eligible for a pension was—
  - (i) a contributor for category A benefits; or
  - (ii) a contributor for category B benefits and had completed at least 10 years service; or
- (b) a male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled or, but for the operation of section 202, would have been entitled to a pension from the fund and who immediately before becoming eligible for a pension was—
  - (i) a contributor for category A benefits; or
  - (ii) a contributor for category B benefits and had completed at least 10 years service; or
- (c) a female pensioner who—

*Superannuation (State Public Sector) Deed 1990*

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- (i) became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
- (ii) became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 172;

and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled or, but for the operation of section 202, would have been entitled to a pension from the fund and who immediately before becoming eligible for a pension was—

- (iii) a contributor for category A benefits; or
- (iv) a contributor for category B benefits and had completed at least 10 years service;

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

$$A = B \times C$$

where—

“A” means the amount payable.

“B” means the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 202, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 205, would have been entitled immediately before his or her death if he or she had not made the election and, where the spouse was an officer who had not retired, as if he or she had retired.

“C” means the factor set forth in schedule 13 opposite the age at nearest birthday of the relict as at the date of the spouse’s death.

(3) A relict—

- (a) of a male contributor for category B benefits who attained the age for retirement before the passing of the *Superannuation Acts*



*Superannuation (State Public Sector) Deed 1990*

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*Amendment Act 1984* and who died in service; or

- (b) of a male former contributor for category B benefits who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*;

being a contributor or former contributor who at the time of his retirement or attaining the age for retirement (whichever event first occurred) had completed at least 10 years service but less than 20 years service and who immediately before his death was entitled to a pension under section 179(3) or 180(3) is entitled to payment of an amount calculated in accordance with the formula—

$$A = B \times C \times \frac{D}{20}$$

where—

“A” means the amount payable.

“B” means the fortnightly amount of pension that the contributor would have been receiving or for which the contributor would have been eligible immediately before the contributor’s death if the contributor had retired upon attaining the age for retirement and had not made an election under section 205 or, in the case of a former contributor, the fortnightly amount of pension that—

- (a) where the former contributor’s entitlement to a contributor’s pension had ceased or been reduced by reason of an election under section 205—he or she would have been entitled to receive immediately before his or her death if he or she had not made the election; or
- (b) in any other case—the former contributor was receiving or for which he or she was eligible immediately before his or her death.

“C” means the factor set forth in schedule 13 opposite the age at nearest birthday of the relict as at the date of her spouse’s death.

“D” means the length of service, expressed in years, of the contributor or former contributor as at the date of his attaining the age for retirement or his retirement, whichever event first occurred.

(4) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a male continuing contributor immediately before he finally ceased to contribute to the fund the

*Superannuation (State Public Sector) Deed 1990*

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entitlement to an amount under this section is in addition to the benefits (if any) derived through the contributor or pensioner under chapter 4.

(5) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a female continuing contributor who had increased the rate of her contribution to the fund pursuant to section 172 an amount shall be payable to the relict or other person entitled to an amount under this section (other than this subsection) determined by the actuary and approved by the board in lieu of the amount prescribed by subsection (1) or (2).

(6) For the purposes of subsection (1), (2) or (3), other than for the purpose of subsection (1), definition “d”, additional service determined by the board under section 171(8) shall be disregarded.

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

- (a) the amount payable under this section is that which would be payable if there were but 1 relict; or
- (b) in the case where the deceased contributor was a person who contributed for category B benefits and had less than 10 years service—the benefit provided for by section 191 shall be in such amount as would be payable if there were but 1 relict;

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

(8) In this section—

“**relict**” means a relict of a contributor or pensioner who dies on or after the commencement of the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985*, section 20.

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

(10) In this section—

“**pensioner**”, in subsection (2)(a), does not include a person who was

retired or permitted to retire on the grounds of incapacity and has made an election under section 205.

### **Relicts' right to substitute pension for entitlement**

**186.(1)** Subject to this section, a relict entitled to the payment of an amount pursuant to section 185 may elect not to receive that amount or a part of that amount and to receive in lieu a relict's pension on and from the date following the day of his or her spouse's death calculated in accordance with the formula—

- (a) in the case of the relict—
  - (i) of a male contributor for category B benefits who attained the age for retirement before the passing of the *Superannuation Acts Amendment Act 1984* and who died in service; or
  - (ii) of a male former contributor for category B benefits who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*;

being a contributor or former contributor who at the time of his retirement or attaining the age for retirement (whichever event first occurred) had completed at least 10 years service but less than 20 years service and who immediately before his death was entitled to a pension under section 179(3) or 180(3)—

$$P = B \times C \times \frac{D}{20} \times .667$$

where—

“**B**” means the fortnightly amount of pension that the contributor would have been receiving or for which the contributor would have been eligible immediately before the contributor's death if the contributor had retired upon attaining the age for retirement and had not made an election under section 205 or, in the case of a former contributor, the fortnightly amount of pension that—

- (i) where the former contributor's entitlement to a contributor's pension had ceased or been reduced by reason of an election under section 205—the former contributor would have been entitled to receive immediately before his or her death if the

*Superannuation (State Public Sector) Deed 1990*

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former contributor had not made the election; or

- (ii) in any other case—the former contributor was receiving or for which the former contributor was eligible immediately before his or her death.

“C” means a fraction that is the equivalent of the percentage of the amount of entitlement in respect of which the relict desires to substitute a relict’s pension.

“D” means the length of service, expressed in years, of the contributor or former contributor as at the time of attaining the age for retirement or retirement whichever first occurred.

“P” means the fortnightly amount of relict’s pension;

- (b) in any other case—

$$P = B \times C \times .667$$

where—

“B” means—

- (i) in the case of a relict of a contributor—the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death; or
- (ii) in the case of a relict of a pensioner—the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 202, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 205, would have been entitled immediately before his or her death if he or she had not made the election and, where the spouse was an officer who had not retired, as if the spouse had retired.

“C” means a fraction that is the equivalent of the percentage of the amount of entitlement in respect of which the relict desires to substitute a relict’s pension.

*Superannuation (State Public Sector) Deed 1990*

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“**P**” means the fortnightly amount of relict’s pension.

(2) An election under subsection (1)—

- (a) shall be in writing;
- (b) shall be made within 6 months after the date on which the entitlement to payment of the amount to the relict arises;
- (c) shall specify the percentage of the amount of entitlement in respect of which the elector desires to substitute a relict’s pension.

(3) This section does not apply to the relict of—

- (a) a person who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) a female who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 172;

unless in the board’s opinion the relict was wholly financially dependent upon the deceased person immediately before his or her death.

(4) For the purposes of subsection (3) a relict shall be taken to be wholly financially dependent notwithstanding that he or she is in receipt of an income that in the board’s opinion is insufficient to maintain for the relict a reasonable standard of living.

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

(6) Where a person who as a relict is entitled to a relict’s pension remarries or marries and—

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

that person shall, subject to subsections (5) and (7), be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b), whichever is relevant to the case, as if he or she had not remarried or, as the case may be, married.

(7) A relict who having remarried or married again becomes widowed shall not be entitled to a pension pursuant to subsection (6) if an amount becomes payable to the relict under section 185 in the event of his or her so becoming widowed unless the relict elects as prescribed to forgo entitlement to that amount and, in the case of a widowed female, to any benefit to which she is entitled pursuant to section 189 of chapter 4 in the event of her so becoming widowed.

(8) An election under subsection (7)—

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

(9) For the purposes of subsection (1), other than definition “D”, additional service determined by the board under section 171(8) shall be disregarded.

(10) Where the contributor or pensioner through whom entitlement to an amount is derived under section 185 is or was a female continuing contributor who had increased the rate of her contribution to the fund pursuant to section 172, a relict’s pension shall be payable to the relict, where the relict elects as prescribed by subsection (2), at a rate determined by the actuary and approved by the board in lieu of the rate prescribed by subsection (1).

### **Entitlement of relict of person on staff of Agent-General for Queensland**

**187.(1)** Notwithstanding the provisions of this chapter a relict of a person who was employed on the staff of the Agent-General for Queensland and who was liable—

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

shall not be entitled to the payment of an amount pursuant to section 185 but shall be entitled to the payment of a relict’s pension as if he or she were

a relict entitled to the payment of an amount pursuant to that section and had duly elected under section 186 not to receive any part of that amount but to receive a relict's pension in lieu thereof in accordance with section 186.

(2) This section shall not apply to a relict of a person who, at the date of commencement of section 3.13 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991* was employed on the staff of the Agent-General for Queensland and was a contributor.

#### *Division 4—Children's pensions*

##### **Child's pension—when payable**

**188.(1)** A pension is payable under this chapter in respect of every child to whom this section applies until he or she ceases to be a child.

(2) This section applies to—

- (a) every child of a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) every child of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 172 where in the opinion of the board the child was wholly dependent on the contributor when she died;
- (c) every child of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 172;
- (d) every child of a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984* and who when the contributor died was—
  - (i) a contributor for category A benefits; or
  - (ii) a contributor for category B benefits and had completed at least 10 years service;
- (e) every child of a deceased male pensioner who attained the age for

*Superannuation (State Public Sector) Deed 1990*

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retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*, other than a pensioner retired on account of incapacity who has made an election under section 205, and who, immediately before becoming eligible for a pension, was—

- (i) a contributor for category A benefits; or
  - (ii) a contributor for category B benefits and had completed at least 10 years service;
- (f) every child of a deceased male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled to or, but for the operation of section 202, would have been entitled to a pension from the fund and who, immediately before becoming eligible for a pension, was—
- (i) a contributor for category A benefits; or
  - (ii) a contributor for category B benefits and had completed at least 10 years service;
- (g) every child of a deceased female pensioner who—
- (i) became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
  - (ii) became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 172;

and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled to or, but for the operation of section 202, would have been entitled to a pension from the fund and who, immediately before becoming eligible for a pension was—

- (iii) a contributor for category A benefits; or
  - (iv) a contributor for category B benefits and had completed at least 10 years service;
- (h) every child of a deceased female pensioner who became a



*Superannuation (State Public Sector) Deed 1990*

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contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 172 and who when she attained the age for retirement or retired was—

- (i) a contributor for category A benefits; or
- (ii) a contributor for category B benefits and had completed at least 10 years service;

and who—

- (iii) being other than a person retired on account of incapacity who has made an election under section 205, retired before the passing of the *Superannuation Acts Amendment Act 1984*; or
- (iv) retired after the passing of the *Superannuation Acts Amendment Act 1984* and at the date of her death was entitled to or, but for the operation of section 202, would have been entitled to a pension from the fund;

where in the opinion of the board the child was wholly dependent on the pensioner when she died;

- (i) every child of a deceased or divorced spouse of a person who when he or she died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child to whom this chapter does not apply;
- (j) every child of the relict of a person who when he or she died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child to whom this chapter does not apply.

**(3)** Subject to subsections (6) and (7), a child's pension that is payable under subsection (1) is payable—

- (a) where the relict of the person through whom the child's pension is derived under subsection (2) is living—at the rate of \$50 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 192 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—at a

*Superannuation (State Public Sector) Deed 1990*

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rate equal to a percentage in accordance with the following table of—

- (i) in the case of a child of a contributor who dies before attaining the age for retirement—the pension that would have been payable to the contributor if the contributor had retired and become eligible for an incapacity pension immediately before the contributor’s death;
- (ii) in the case of a child of a contributor who has continued in employment as an officer after attaining the age for retirement—the pension that would have been payable to the contributor immediately before the contributor’s death if the contributor had retired on attaining the age for retirement;
- (iii) in the case of a child of a person who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 205—the pension that would have been payable to that person immediately before the person’s death if the person had not made the election and, in the case of an officer who had not retired, as if the person had retired;
- (iv) in any other case—the pension payable to the person through whom the entitlement to the child’s pension is derived immediately before his or her death—

**Table**

1 child . . . . . 66.7%

~~100% divided by the number of children in respect of each child.~~

(4) However, each child who is entitled to a pension under subsection (3)(b) shall be paid a fortnightly rate of pension so that, when that rate is added to any rate of benefit to which he or she is entitled under chapter 4, the total rate payable shall be at least equal to twice the fortnightly rate of pension that he or she would have been paid had he or she been a case to which subsection (3)(a) applies.

(5) The cases to which subsections (3) and (5) apply includes the case of

*Superannuation (State Public Sector) Deed 1990*

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a child's pension payable immediately before the passing of the *Superannuation Acts Amendment Act 1987*.

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

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

where—

“A” means the fortnightly amount of the pension that would have been payable to the child but for this subsection.

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

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

(7) Where a contributor for category B benefits retires before attaining the age for retirement and at the time of retirement has completed at least 10 years service, a child who derives his or her entitlement to pension through that contributor is entitled to the same pension as the pension that would have been payable to him or her if the contributor had been a contributor for category A benefits.

(8) Where by reason of the death of a contributor or a pensioner the only entitlement derived through him or her is an entitlement to a child's pension 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 pension 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 that contributor or pensioner) 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 pensioner) at the date when the entitlement to the pension in question commenced.

(9) Where by reason of the death of a contributor or a pensioner the only entitlement derived through him or her is an entitlement to a child's pension arising on or after the passing of the *Superannuation Acts Amendment Act 1987* and the amount of pension payable in respect of the child or, 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 pension payable since the time when the entitlement arose) is less than the amount that would have been payable under section 185 to the relict of the person through whom the entitlement is derived, had he or she left a relict upon his or her 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.

(10) For the purposes subsections (2)(a) to (g), (6) and (7), additional service determined by the board under section 171(8) shall be disregarded.

(11) A child who is entitled under subsection (3)(a) to payment of a child's pension in respect of him or her shall not be entitled to additional assurance benefit under chapter 4.

### **Commencement and cessation of children's pensions**

**189.(1)** A child's pension commences on the date of the day following the event by virtue of which it becomes payable as provided in section 188 and ceases to be payable on—

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

whichever first happens.

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

- (a) when the child attains the age of 25 years; or
- (b) when the child ceases to receive, in the opinion of the board, full-time education at a school, college, or university;

whichever first happens.

(3) Where—

- (a) a child's pension has ceased pursuant to subsection (1) or (2); and
- (b) no amount has been paid in accordance with section 188(8) or (9); and
- (c) the board is satisfied that the child concerned is receiving full-time education at a school, college or university at any time before the child has attained the age of 25 years;

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

### **Persons to whom a child's pension is payable**

**190.(1)** A child's pension shall be paid to the relict (if any) of the contributor or pensioner in relation to whom it is payable, or, if there is no relict, to the guardian of the child, unless the board in any case otherwise determines.

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

### ***Division 5—Refund of contributions***

#### **Refund of contributions**

**191.(1)** Where a contributor, before attaining the age for retirement, ceases to be an officer by reason of—

- (a) resignation prior to attaining the age of 55 years;
- (b) becoming a person excepted from the Act pursuant to section 165, definition "officer", paragraph (g);
- (c) dismissal;
- (d) being retired or permitted to retire on the ground of incapacity that is due to wilful action on his or her part for the obtaining of

*Superannuation (State Public Sector) Deed 1990*

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benefits under this chapter;

- (e) being retired or permitted to retire on the ground of incapacity where the contributor has not satisfied the board as required by section 199;

the contributor is entitled to be paid from the fund a sum of money equal to the total amount of the contributor's contributions to the fund under this chapter and any payments made by the contributor to the consolidated fund, such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound, and, subject to subsections (2) to (4) is not entitled to any other benefit under this chapter.

(2) 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) 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 the Act pursuant to section 165, definition "officer", paragraph (g); 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 199;

and the contributor has been a contributor for a period of 12 months at the least, the contributor may elect as prescribed not to take from the fund that part of the benefit prescribed by subsection (1) that is attributable to the contributor's contributions to the fund.

(3) An election under subsection (2)—

- (a) shall be in writing furnished to the board; and
- (b) shall be made within 3 months after the date on which the contributor so ceases to be an officer.

(4) Where an election is duly made under subsection (2), there shall be credited in the fund on account of the elector an amount equal to 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

*Superannuation (State Public Sector) Deed 1990*

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relevant arrangements approved by the Governor in Council, until, subject to subsections (5) and (6)—

- (a) the contributor attains the age of 55 years; or
- (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 to operate; or
- (d) the contributor dies;

whereupon the prescribed amount shall be paid to the contributor or to the contributor's legal personal representative, as the case requires.

(5) If a person who has made an election under subsection (2) again becomes an officer and elects under this subsection to again become a contributor within 3 months of again becoming an officer, the prescribed amounts shall be applied to the purchase by that person of benefit entitlements—

- (a) in respect of a period of service equal to the period during which the person had contributed to the fund after the person's 20th birthday and before the person made the election; and
- (b) in respect of any additional period of service as determined by the actuary having regard to any of the prescribed amount credited on the person's account that is attributable to contributions paid in excess of those prescribed by section 173;

as approved by the board, having regard to the rates at which benefits would have accrued to that person had the person not ceased to be an officer.

(6) Where a person to whom subsection (5)(b) applies again ceases to be an officer in any circumstance prescribed by subsection (2) and does not make an election under that subsection the benefit to which the person shall on that occasion be entitled under subsection (1) in respect of the prescribed amount applied pursuant to subsection (5)(b) shall be in such amount as is determined by the actuary and approved by the board, notwithstanding the provisions of subsection (1).

(7) If a person who has made an election under subsection (2)—

- (a) again becomes an officer; and
- (b) does not make an election under subsection (5);

the prescribed amount is to be applied in obtaining benefits for the person under chapter 2.

(8) In subsections (4), (5), (6) and (7)—

**“prescribed amount”** means—

- (a) where the elector has informed the board in writing that the elector no longer desires his or her election to operate—the sum which the elector would have been entitled to be paid pursuant to subsection (1) had the elector not made the election under subsection (2), less the amount already paid on the elector’s account as benefit under 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 that sum less that amount; and
- (b) in any other case—the amount credited on account of the elector pursuant to subsection (4), together with interest for the period since the date on which the elector ceased to be an officer.

(9) For the purposes of subsection (8), 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.

(10) In the event of the death, before attaining the age for retirement, of a contributor whose death does not give rise to an entitlement under division 2 or 3 or under subsection (12) the board shall pay a sum equal to the total amount of the contributor’s contributions to the fund under this chapter and any payments made by the contributor to the consolidated fund, such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound, to the personal representative of the contributor or, if the board considers it desirable to do so, to such person as the board may determine.



*Superannuation (State Public Sector) Deed 1990*

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(11) For the purposes of subsections (1) and (10) a contributor who, before the passing of the *Superannuation Acts Amendment Act 1989*, had made payments to the State Service Superannuation Additional Benefits Fund, which fund was abolished by that Act, shall be deemed to have made those payments to the consolidated fund.

(12) Where a contributor for category B benefits dies before attaining the age for retirement and at the time of death has completed less than 10 years service and, in the case of a female who became such a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contributions pursuant to section 172, leaves children who in the board's opinion were wholly dependent on the contributor when she died, then the relict of the contributor or, if there be no relict, the legal personal representative of the contributor or other person approved by the board is entitled to be paid out of the fund a sum equal to  $3\frac{1}{2}$  times the total amount of the contributor's contributions to the fund under this chapter, other than any additional contributions under section 171(4), (4) or (6) or 172, and—

- (a) in the case of additional contributions paid under section 171(4)—a sum equal to  $2\frac{6}{7}$  times the total amount of such additional contributions;
- (b) in the case of additional contributions paid under section 171(5) or (6)—a sum equal to the total amount of such additional contributions accumulated from 1 July 1990 at the net earning rate of the fund compound;
- (c) in the case of additional contributions paid under section 172—such sum as is determined by the actuary and approved by the board.

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

(5) For the purposes of subsection (3) additional service determined by the board under section 171(8) shall be disregarded.

(6) In this section—

“**child**” means a child—

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

- (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.

### *Division 6—Adjustment of pensions*

#### **Adjustment of pensions**

**192.(1)** In this section—

**“basic rate”**, in relation to a pension, means the rate at which the pension was payable under division 1 or 2 or 3 when it came into force.

**“index”** means the all groups consumer price index for Brisbane published by the Australian Statistician.

**“pay-period”** means the period with respect to which the fortnightly or other periodic instalment of pension is payable in pursuance of section 195.

(2) Subject to this section, a pension under this chapter 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 in each year, 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 pensions 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 pensions 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

*Superannuation (State Public Sector) Deed 1990*

Minister under subsection (3).

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

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

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

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

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

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

where—

“A” means the amount by which, but for the operation of that subsection, the pension would have been increased or decreased.

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

“**V**” means the fortnightly amount referred to in that paragraph.

(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 pensions shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any 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), pensions shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate.

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

(12) Where—

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

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

### **Variation of entitlement to adjustment**

**193.(1)** Where in the opinion of the board a pensioner would be prejudicially affected by an increase in his or her pension under section 192 the board may determine—

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

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

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

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

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

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

(5) Unless it is otherwise determined by the board, for the purpose of determining the rate of pension payable under section 185 or 188 all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the pensioner shall be deemed to have been receiving, immediately before the pensioner's death, the amount of pension that would have been payable to the pensioner had no such determination been made.

### *Division 7—General provisions as to pensions*

#### **Duration of pensions**

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

#### **Time and manner of payment of pensions**

**195.** Pensions shall be paid in fortnightly instalments or if so determined by the board, periodically at other intervals.

#### **Payment to person other than the beneficiary**

**196.(1)** Where in the opinion of the board payment of any pension, refund of contributions or other payment under this chapter 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 and the receipt of that person is a complete discharge to the board for the amount so paid.

(2) Where a person has received a payment under this chapter or chapter 4 and it is subsequently discovered that, owing either to some miscalculation or mistake of fact for which the person is not responsible, the payment was in excess of the amount properly payable, the board may—

- (a) waive repayment; or
- (b) allow repayment to be made on such terms as the board thinks just;

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

(3) Where a person has received a payment under this chapter or chapter 4 and it is subsequently discovered that, by reason of a mistake, the amount of the payment is in excess of the amount properly payable to that person, the board may write off the whole or any part of the excess amount so paid if it is satisfied that the excess amount or that part is irrecoverable or that the enforcement of the repayment by that person of the excess amount or that part would impose undue hardship on that person or would, in all the circumstances of the case, be inequitable.

### **Commencement of benefits**

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

**Provision for incapacity entitlement of contributor reduced in salary by redeployment**

**198.(1)** Where a contributor's salary is reduced as a consequence of action taken by the contributor's employer for redeployment of the contributor, which, in the board's opinion, is due to the incapacity of the contributor, then, if the board so approves and subject to such conditions as the board in its absolute discretion may determine, the contributor shall be deemed to be in receipt of salary at the rate that would be payable to the contributor had the contributor remained in the position held by the contributor as an officer immediately before the contributor's redeployment.

**(2)** The board may determine that a contributor, such as is deemed to be in receipt of salary as prescribed by subsection (1), is entitled to payment of incapacity pension at a rate and for a period determined by the board but not exceeding the rate of incapacity pension to which the contributor would have been entitled had the contributor retired on the ground of incapacity immediately before the date of the contributor's redeployment.

**Entitlement to receive incapacity pension**

**199.** Before a person—

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

is entitled to payment of an incapacity pension or to payment from the fund of a sum on account of incapacity 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.

**Proof of continued incapacity**

**200.(1)** Any person who is in receipt of incapacity pension, shall whilst the person continues to be in receipt of incapacity pension, give as prescribed such notifications and certificates relating to the person's

continued incapacity as shall be prescribed and submit himself or herself 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 pension until the person remedies the default to its satisfaction.

### **Failure of incapacity pensioner restored to health to resume employment affects entitlement**

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

- (a) in the case of the person in receipt of incapacity pension being absent from duty with leave of absence without salary—instruct that person to resume employment with the person, body or authority forthwith; or
- (b) in the case of the person in receipt of incapacity pension 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, body's or authority's employment.

(2) If—

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



person became eligible for the incapacity pension and the person fails to accept that employment;

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

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

(4) Where a person's incapacity pension 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 accumulated from 1 July 1990 at the net earning rate of the fund compound to the fund less an amount certified by the actuary to be attributable to the provision of incapacity pension.

(5) Subsection (4) shall not be construed to prevent a person whose incapacity pension has been cancelled under subsection (2) or any other person claiming through the person from becoming entitled to any benefits for which that person contributes to the fund after the person has again become an officer and a contributor.

### **Incapacity pension may be suspended**

**202.(1)** 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 section 201(2); or
- (b) receives compensation under the *WorkCover Queensland Act 1996*;

the board may suspend payment of the incapacity pension.

(2) For the period for which payment of an incapacity pension is

suspended under subsection (1) the person concerned shall not be entitled to or receive any incapacity pension from the fund unless the board directs that 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 pensioners upon re-employment**

**203.** If a person who has been retired, by reason of incapacity, from employment as an officer and who is in receipt of incapacity pension again becomes an officer, the period during which the person was retired shall not, for the purposes of this chapter, be deemed to be a break in the continuity of the person's service, 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 chapter.

### **Right to prepay contributions**

**204.(1)** The board may permit a contributor to commute wholly or in part any existing contribution under this chapter, 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 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 the Act attributable to any period after the date of the contributor's retirement the contributor is, in addition to any entitlement under this chapter, entitled to be paid from the fund such sum of money in respect of such contribution as is determined by the actuary and approved by the board.

## ***Division 8—Conversion of pension entitlement into a lump sum payment***

### **Right of contributor to convert pension into a lump sum**

**205.(1)** A person who is or was prior to his or her retirement a

*Superannuation (State Public Sector) Deed 1990*

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contributor may, subject to this section elect to convert into a lump sum payment his or her pension entitlement under this chapter, other than an entitlement to an incapacity pension on account of absence from duty with leave of absence without salary by reason of incapacity—

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

(2) A person who is or was prior to his or her retirement a continuing contributor is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to an incapacity pension under this chapter unless he or she also elects to convert into a lump sum payment the whole of his or her entitlement to incapacity benefit under chapter 4.

(3) A contributor who, after the commencement of the 1972 Act, made an election under section 171(4) that has not been cancelled may not make an election under this section in relation to any part of the contributor's pension entitlement under this chapter unless the contributor has contributed in accordance with that subsection for not less than 5 years before such pension entitlement arises or would have been so contributing but for a commutation of contributions pursuant to section 204.

(4) Subsection (3) does not apply in relation to a contributor of a description referred to in the subsection who before the passing of the *Superannuation Acts Amendment Act 1984* was retired or permitted to retire on the ground of incapacity.

(5) An election under this section—

- (a) shall, in the case of a contributor who elects to retire from employment as an officer within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement, be made before the expiration of the period of 1 month after the contributor's retirement; and
- (b) shall, in the case of a contributor who retires on or after attaining the age for retirement, be made before the expiration of a period of 1 month after the contributor attains the age for retirement; and
- (c) shall, in the case of a person who is entitled to payment of an incapacity pension, be made before the expiration of a period of

*Superannuation (State Public Sector) Deed 1990*

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6 months after the date on which the entitlement to the pension arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire and shall be effective only if, in the board's opinion, the elector is medically competent to make the election; and

- (d) shall, in any case, be made by notice in writing given to the board (the “**contributor’s notice of election**”).

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

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

- (a) the contributor shall be paid from the fund—
- (i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years service,)—a sum equal to that specified percentage of the amount of the contributor's fortnightly pension entitlement under this chapter multiplied by the factor set forth in schedule 10, part 1, column 2 opposite the age in years and complete months as at the date of retirement set forth in column 1;
- (ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years service,)—a sum equal to that specified percentage of the amount of her fortnightly pension entitlement under this chapter multiplied by the factor set forth in schedule 10, part 2, column 2 opposite the age in years and complete months as at the date of retirement set forth in column 1; and

*Superannuation (State Public Sector) Deed 1990*

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

(8) Where a contributor retires from employment as an officer on attaining the age for retirement or within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement and duly elects to convert the whole of the contributor's entitlement to a contributor's pension—

- (a) the contributor shall be paid from the fund—
- (i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years service,)—a sum equal to the amount of his or her fortnightly pension entitlement under this chapter multiplied by the factor set forth in schedule 10, part 1, column 2 opposite the age in years and complete months as at the date of retirement set forth in column 1;
- (ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*, (other than a contributor for category B benefits who has had less than 10 years service,)—a sum equal to the amount of her fortnightly pension entitlement under this chapter multiplied by the factor set forth in schedule 10, part 2, column 2 opposite the age in years and complete months as at the date of retirement set forth in column 1; and
- (b) his or her entitlement to a contributor's pension under this chapter ceases.

(9) Where a contributor (other than one who has made an election under section 171(4) or (5)) who has attained the age for retirement, has duly elected under this section and has continued in employment as an officer, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (7) or (8), be entitled to be paid from the fund—

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

*Superannuation (State Public Sector) Deed 1990*

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elects to convert a specified percentage (other than 100%) of the contributor's entitlement to a contributor's pension—

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

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

- (b) in the case of a contributor (other than a contributor for

*Superannuation (State Public Sector) Deed 1990*

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

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

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

**(10)** Where a contributor (being a contributor who has made an election under section 171(4)) who has attained the age for retirement, has duly elected under this section and has continued in employment as an officer,

*Superannuation (State Public Sector) Deed 1990*

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the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (7) or (8), be entitled to be paid from the fund—

- (a) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years service) who elects to convert a specified percentage (other than 100%) of the contributor's entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 177(5)(a)(i); or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 177(5)(a)(i); or
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 177(5)(a)(ii); or
  - (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 177(5)(a)(ii); and
  - (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 171(4) had not been enacted and that specified percentage of 65% of the pension attributable to section 171(4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such



*Superannuation (State Public Sector) Deed 1990*

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factor not exceeding 261 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or

- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 171(4) had not been enacted and that specified percentage of 65% of the pension attributable to section 171(4) that would have been payable if she had retired on attaining the age for retirement multiplied by such factor not exceeding 287 as the actuary determines having regard to her age at the time she retires or is retired;

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

- (b) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years service) who elects to convert the whole of his or her entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in section 177(5)(a)(i); or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 287 times the amount of her fortnightly pension entitlement referred to in section 177(5)(a)(i); or
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in section 177(5)(a)(ii); or

*Superannuation (State Public Sector) Deed 1990*

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- (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 287 times the amount of her fortnightly pension entitlement referred to in section 177(5)(a)(ii); and
- (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as an officer, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 171(4) had not been enacted and 65% of the pension attributable to section 171(4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 261 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as an officer, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 171(4) had not been enacted and 65% of the pension attributable to section 171(4) that would have been payable if she had retired on attaining the age for retirement, multiplied by such factor not exceeding 287 as the actuary determines having regard to her age at the time she retires or is retired;

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

**(11)** Where a contributor (being a contributor who has made an election under section 171(5)) who has attained the age for retirement, has duly elected under this section and has continued in employment as an officer, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (7) or (8), be entitled to be paid from the fund—

- (a) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years service) who elects to convert a specified percentage (other than 100%) of the

*Superannuation (State Public Sector) Deed 1990*

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contributor's entitlement to a contributor's pension—

- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 177(6)(a)(i); or
- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 177(6)(a)(i); or
- (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 261 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 177(6)(a)(ii); or
- (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 287 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 177(6)(a)(ii); and
- (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 171(5) had not been enacted multiplied by such factor not exceeding 261 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as an officer, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 171(5) had not

*Superannuation (State Public Sector) Deed 1990*

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been enacted, multiplied by such factor not exceeding 287 as the actuary determines having regard to her age at the time she retires or is retired;

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

- (b) in the case of a contributor (other than a contributor for category B benefits who has had less than 10 years service) who elects to convert the whole of his or her entitlement to a contributor's pension—
- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in section 177(6)(a)(i); or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 287 times the amount of her fortnightly pension entitlement referred to in section 177(6)(a)(i); or
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 261 times the amount of his or her fortnightly pension entitlement referred to in section 177(6)(a)(ii); or
  - (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 287 times the amount of her fortnightly pension entitlement referred to in section 177(6)(a)(ii); and
  - (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as an officer, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 171(5) had not been enacted multiplied by such factor not exceeding 261 as the actuary determines having regard to his or her age at the time he or

*Superannuation (State Public Sector) Deed 1990*

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she retires or is retired; or

- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as an officer, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 171(5) had not been enacted, multiplied by such factor not exceeding 287 as the actuary determines having regard to her age at the time she retires or is retired;

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

**(12)** Notwithstanding subsections (1) to (11), where any of those subsections is to be applied in respect of a contributor whose length of service, expressed in years and ascertained as prescribed by section 176, is 42 years and 6 months at the least—

- (a) any factor prescribed by that subsection to be used as a multiplier for the purposes of the subsection (not being a factor to which paragraph (b) refers) shall be not less than the factor set forth in column 2 of the part of the schedule prescribed by the subsection opposite the age, in years and complete months, that was the contributor's age, in years and complete months, when the contributor's length of service (so ascertained) amounted to 42 years and 6 months;
- (b) any multiplier being 261 or 287 or a factor to be determined by the actuary not exceeding 261 or 287 prescribed by that subsection to be used for the purposes of that subsection shall not be that so prescribed but shall be—
  - (i) where the multiplier is 261 or the factor is not to exceed 261—that factor set forth in schedule 10, part 1; or
  - (ii) where the multiplier is 287 or the factor is not to exceed 287—that factor set forth in schedule 10, part 2;

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

*Superannuation (State Public Sector) Deed 1990*

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(13) A person who is or was a contributor for category B benefits and has had less than 10 years service and who duly elects to convert the whole or a part of the person's entitlement to a contributor's pension shall be entitled to the same payment from the fund as the person would be entitled to under subsection (7), (8), (9), (10) or (11), according to the person's circumstances, had the person been a contributor for category A benefits except that the factor by which the amount of the person's fortnightly pension entitlement is to be multiplied for the purpose of the relevant subsection shall be such factor as the actuary determines on the basis of evidence as to the person's state of health produced under subsection (16), not exceeding the factor that under the relevant subsection would have been applicable in the person's case had the person been a contributor for category A benefits.

(14) Where a contributor becomes entitled to an incapacity pension (other than a pension payable under this chapter in respect of any period of leave of absence from employment as an officer without salary for longer than 2 weeks by reason of incapacity) after the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the fund a sum equal to the amount that would have been payable from the fund—

- (a) had the contributor died on the date of his or her retirement from employment as an officer on the grounds of incapacity; and
- (b) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 172—had the contributor increased the rate of her contribution to the fund pursuant to that section;

less the amount of pension that he or she has been paid in respect of the period subsequent to the date of his or her retirement or the date of approval of his or her retirement, whichever date is the later, to the exclusion of any other entitlement he or she might otherwise have had under this section and his or her entitlement to an incapacity pension under this chapter thereupon ceases.

(15) Subsection (14) applies whether the date from which the retirement of a contributor who is retired or permitted to retire after the passing of the *Superannuation Acts Amendment Act 1987* takes effect is before or after the passing of that Act.

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

### **Endowment benefit in lieu of relict's pension**

**206.** A male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who on or after the passing of that Act attains the age for retirement or retires within the period of 5 years immediately preceding the day on which the contributor would attain that age and duly elects under section 205 otherwise than in respect of an incapacity pension, other than a contributor for category B benefits who has not completed 10 years service at the time of retirement or of attaining the age for retirement whichever is the earlier, is entitled, in addition to the benefits prescribed by that section, to an amount determined by the actuary and approved by the board having regard to the period for which the contributor contributed to the fund before the passing of that Act.

## **PART 4—FINANCIAL PROVISIONS**

### **Contributions to the fund by the State and by State authorities**

**207.(1)** Subject to this section, the Treasurer on behalf of the Crown shall pay to the fund a contribution comprising an amount equal to—

- (a) five-sevenths; or
- (b) such other proportion as the Treasurer, having regard to any recommendation of the actuary under chapter 1, part 3, section 19(2)(c), may determine;

of each payment by way of pension or other benefit under this chapter made out of the fund (not being a payment made by way of a refund of contributions, a payment under section 174 unless the Governor in Council

*Superannuation (State Public Sector) Deed 1990*

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specifically approves payment in full, and not including any payment of contributor's pension to a contributor whilst the contributor remains an officer after attaining the age for retirement).

(2) For the purposes of this section a payment pursuant to—

- (a) section 179(2); or
- (b) section 180(2); or
- (c) section 191(4), being a payment of a prescribed amount as defined in section 191(8), definition “prescribed amount”, paragraph (b); or
- (d) section 191(12), except the part thereof attributable to any additional contributions under section 171(4);

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

(3) The Treasurer on behalf of the Crown shall pay to the fund a contribution comprising an amount certified by the actuary as the amount of each payment by way of pension or other benefit under this chapter made out of the fund that is attributable to the portion to be borne by the fund of any additional benefit arising by reason of the provisions of section 165(1), definition “service”, paragraph (c).

(4) Notwithstanding the provisions of subsection (1), the contribution payable by the Treasurer under this section in respect of such part of any payment that would not have been payable but for section 171(4) shall be 65% of such part.

(5) Notwithstanding the provisions of subsection (1), the contribution payable by the Treasurer under this section shall not include such part of any payment that would not have been payable but for section 171(5) or (6).

(6) Notwithstanding subsection (1), the Treasurer on behalf of the Crown shall pay to the fund a contribution being the amount of each payment under sections 169(13), 191(1) or 191(10) of this chapter and section 167(3) of chapter 4 made out of the fund that represents a refund of payments made by a contributor to the consolidated fund.

(7) Notwithstanding subsection (1), the contribution of the Treasurer under this section in respect of a payment pursuant to section 191(4), being a payment of a prescribed amount as defined in section 191(8), definition “prescribed amount”, paragraph (b), shall be an amount equal to the



additional sum referred to in section 191(4) together with that part of the payment being interest calculated in accordance with that paragraph in respect of that additional sum.

(8) For the purposes of subsection (6) a contributor who, before the passing of the *Superannuation Acts Amendment Act 1989*, had made payments to the State Service Superannuation Additional Benefits Fund, which fund was abolished by that Act, shall be deemed to have made those payments to the consolidated fund.

## PART 5—MISCELLANEOUS

### **When fund charged with defalcations by contributors**

**208.** If any contributor ceases employment as an officer by reason of the contributor's 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 under this chapter from the fund by reason of such cessation of employment and may be deducted therefrom.

### **Medical examinations**

**209.(1)** Every person who on or after the commencement of the 1972 Act becomes an officer and every officer mentioned in section 3(b) of the 1972 Act shall, before being accepted as a contributor for category A benefits, furnish to the board evidence satisfactory to the board as to his or her health and physical condition.

(2) A person referred to in subsection (1) shall not contribute to the fund as a contributor for category A benefits if the board is not satisfied that the health and physical condition of that person are such as to justify being accepted as such a contributor.

(3) Notwithstanding anything to the contrary contained in this chapter and subject to sections 199 and 200, where any person, officer or contributor is required by or under this chapter—

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

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

(4) However, where permitted by this chapter 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.

### **Conversion from category B to category A benefits in certain cases**

**210.** Where the death, retirement by reason of incapacity or absence on sick leave without salary of a contributor for category B benefits or the reason for the lump sum payable under section 205 to a contributor for category B benefits being less than that which would have been payable to the contributor had the contributor been a contributor for category A benefits, being a contributor—

- (a) who has had less than 10 years service; and
- (b) in respect of whom medical evidence has been submitted to and accepted by the board that warrants the contributor being such a contributor;

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

**Rectification of contributor's status falsely induced**

**211.(1)** Where a person has been accepted as a contributor for category A benefits and it subsequently appears to the board that the contributor has suppressed or failed to fully disclose information concerning the contributor's health or physical condition, the board may determine—

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

**(2)** Where a contributor has made an election under section 172 that has been accepted by the board and it subsequently appears to the board that she has suppressed or failed to fully disclose information concerning her health or physical condition the board may determine—

- (a) where she is still a contributor—that she cease to contribute for benefits provided by additional contributions payable under section 172 and that she contribute for the benefit for which she was contributing at the time she made the election; or
- (b) where she is no longer a contributor—that she be deemed never to have made additional contributions payable under section 172 but to have always been a contributor for the benefits for which she was contributing at the time she made the election.

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

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

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

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

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

(7) Where a determination referred to in subsection (2)(a) has been made the contributor or, if she has died, her personal representative shall be entitled to a refund of additional contributions paid by her under section 172 accumulated at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound.

### **Calculation of benefits based on contributions of officers**

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

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

### **No interest on certain payments**

**213.(1)** Interest is payable on a lump sum payment made out of the fund only if—

- (a) the payment of interest on the payment is authorised by this chapter; or
- (b) the board determines that interest is payable on the payment.

(2) If the board makes a determination under subsection (1)(b), the board must also determine the rate of interest.

## **PART 6—APPLICATION OF CHAPTER 4**

### **Application of chapter 4**

**214.(1)** Subject to subsection (4), no person shall be entitled or required or permitted to contribute for units of benefits under chapter 4 other than—

- (a) the units of benefits for which the person was contributing immediately before the commencement of the 1972 Act; and
- (b) units of benefits for which the person was before the commencement of the 1972 Act required to contribute to the fund by reason of an increase of the person's salary but for which on the said commencement the person had not commenced to contribute; and
- (c) units of benefits in respect of which, being thereunto authorised or entitled under the 1958 Act before the commencement of the 1972 Act, the person makes or has made an election (whether before or after the commencement of the 1972 Act) within the time prescribed therefor by the 1958 Act or, where no time is so prescribed, before the said commencement but for which on the said commencement he had not commenced to contribute; and
- (d) where an officer who is a contributor to the fund under chapter 4, part 5, produces to the board evidence of good health satisfactory to the board, units of incapacity benefit and, in the case of a male officer, units of assurance benefit (being units for which but for this section he would have been eligible or required to contribute under section 157 of chapter 4) for which the officer elects to contribute within 6 months after becoming entitled so to do but not so that the number of units of incapacity benefit, and, in the case of a male officer, units of assurance benefit respectively for which as a result of the election he will be a contributor will exceed the number of units of annuity benefit for which he was a

*Superannuation (State Public Sector) Deed 1990*

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contributor immediately before the election.

(2) With respect to units of benefits for which an officer is entitled to elect to contribute pursuant to subsection (1)(d), the board may waive compliance with section 99 of chapter 4 to such extent as it deems fit in the circumstances of the case and the rate of salary of the officer shall be deemed to be the rate of the officer's salary in force immediately before the commencement of the 1972 Act.

(3) Nothing in this section precludes the board from exercising its powers and functions under chapter 4 in relation to contribution by an officer for units of benefits under chapter 4 to which subsection (1)(b), (c) or (d) or (4) relates.

(4) At any time before the expiration of a period of 6 months commencing on the commencement of the 1972 Act, a continuing contributor may make any election under and in accordance with section 22A of the 1958 Act that the continuing contributor was eligible to make immediately before the commencement of the 1972 Act and subject to the said section the continuing contributor may increase his or her contribution to the fund accordingly.

(5) Where the time prescribed by the 1958 Act not later than which an officer may make an election under section 22 of the 1958 Act in respect of units of benefits expired on the day immediately before the commencement of the 1972 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 (4).

(6) The obligation to contribute to the fund under chapter 4 by a continuing contributor shall be in respect of—

- (a) the units of benefits and other benefits for which the continuing contributor was contributing under the 1958 Act immediately before the commencement of the 1972 Act; and
- (b) units of benefits referred to in subsection (1)(b), (c) or (d) for which the continuing contributor commences to contribute under chapter 4 after the commencement of the 1972 Act; and
- (c) the units of benefits under chapter 4 in respect whereof the contributor increases his or her contribution to the fund pursuant to subsection (4);

and, subject to chapter 4, is at the rates of contribution prescribed by the 1958 Act immediately before the commencement of the 1972 Act.

## CHAPTER 6—POLICE 68 MEMBERS

### PART 1—PRELIMINARY

#### Interpretation

**215.(1)** In this chapter—

**“age for retirement”** of a member of the police force means 60.

**“child”** means a child (including a child adopted by a contributor before the contributor ceased to contribute for benefits under this chapter) under the age of 16 years, and includes a person of or over the age of 16 years but under the age of 25 years who is receiving, in the opinion of the board, full time education at a school, college or university.

**“contributor”** means a member of the police force who contributes under this chapter to the fund.

**“incapacity”** means a mental or bodily infirmity by reason whereof a member of the police force is unfit to discharge or incapable of discharging the duties of the member’s office efficiently.

**“member of the police force”** means—

- (a) a police 68 member; or
- (b) a person, or a member of a class of person, declared under a notice under section 13 of the Act, to be eligible for membership of the scheme in the police 68 category.

**“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.

**“repealed provisions”** means the provisions repealed on the commencement of the *Police Superannuation Act 1968*, section 3.

**“retired”**, in relation to employment as a member of the police force, means retired from that employment or required to retire from that employment by the Governor in Council or by the commissioner of the police service.

**“salary”** means the rate of payment made by way of fixed remuneration to a member of the police force and does not include any sum paid by way of fee or allowance.

(2) A reference in this chapter 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.

(3) Notwithstanding any other provisions of this chapter, where the employment of a contributor as a member of the police force ceases at any time after the contributor has attained an age that is within 5 years immediately preceding the day on which he or she would attain the age for retirement otherwise than by reason of his or her death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this chapter, the contributor shall be deemed to have elected to retire at the time when the employment ceased.

(4) In determining the age of a person for the purposes of this chapter the time at which that person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of the person's birth.

## **PART 2—CONTRIBUTIONS**

### *Division 1—Contributions by members of the police force*

#### **Commencement of contributions**

**216.(1)** Subject to this chapter, every person who is a member of the police force shall contribute to the fund until the last day of the fortnightly pay-period preceding the day on which the person attains the age for retirement or the person's employment as a member of the police force sooner ceases.

**(2)** Notwithstanding subsection (1), a member who is contributing for units of benefit effected at ages over 55 years 6 months shall contribute to the fund in respect of those units in accordance with the tables of contributions contained in schedules 18 and 19.

**(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.

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

**(5)** All deductions made from the salaries of members of the police force in respect of contributions to the funds shall be credited thereto.

**(6)** Any amount of the contributions and any additional payment prescribed by section 223(2) to be made by a contributor not paid by deduction from the contributor's salary as prescribed by subsection (3) 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 subsection (3).

**(7)** Notwithstanding subsections (1) to (6), the board may recover by action as for a debt any amount of the contributions or any additional payment to be made by a contributor which is due and unpaid.

**(8)** For the purposes of subsections (6) and (7), an amount of unpaid contribution or other payment includes interest on the amount calculated at the rate at which earnings would have accrued to the fund had the amount

been paid to the fund.

(9) If a contribution or other payment payable by a contributor is unpaid (the “**unpaid amount**”), the board may determine the rights of the contributor to benefits under this chapter.

(10) If the board makes a determination under subsection (9), the board must pay to the contributor an amount equal to the amount of all contributions (accumulated at the applicable rate) and other payments payable by the contributor under this chapter to the day of determination less the unpaid amount and interest on the unpaid amount calculated at the rate at which earnings would have accrued to the fund had the amount been paid to the fund.

(11) Where a person ceases to be a member of the police force but before the expiration of 1 month after so ceasing again becomes such a member, the person may, where the board so approves (whether subject to conditions or unconditionally) on the application in writing of that person, be permitted to contribute to the fund in respect of the period between the person so ceasing to be a member of the police force and the person again becoming such a member and where a person is permitted to contribute to the fund under this subsection that person shall for the purposes of this chapter be deemed to be and to have been a member of the police force during the period in respect of which the member so contributes and this chapter shall apply in relation to the member accordingly.

(12) In subsection (10)—

“**applicable rate**” means—

- (a) in relation to a period ending on or before 22 April 1987—1.25% per year compound; or
- (b) in relation to a period starting on or after 23 April 1987 and ending on or before 30 June 1990—5% per year compound; or
- (c) in relation to a period starting on or after 1 July 1990—the net earning rate of the fund compound.

***Division 2—Scale of units*****Salary for the purposes of this division**

**217.(1)** In this division—

“**salary**” in relation to a member of the police force means the fortnightly salary of that member of the police force.

(2) The fortnightly salary of a member of the police force 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 members of the police force in different classes of members of the police force.

**Scale of units of annuity, incapacity and assurance benefits**

**218.(1)** Subject to this chapter, contributions by a member of the police force shall be in respect of units of annuity, units of incapacity and, in the case of a male member of the police force, units of assurance benefits as respectively defined by sections 235, 237 and 240, and the number of units of those benefits respectively in respect of which a member of the police force shall contribute is the number specified in column 2 of the scale contained in schedule 16 opposite to the salary group within which his or her salary falls.

(2) Where, at the time when a member of the police force becomes a contributor, he or she has attained the age of 35 years, but is under the age of 55 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 column 2 of the scale contained in schedule 16 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  $5\frac{3}{4}\%$  of his or her salary—such sum (being a sum which will provide units of benefits to a number specified in the said scale) not less than  $5\frac{3}{4}\%$  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.

(3) If the salary of a contributor is increased and, by reason of that increase, falls within a salary group in column 1 of the scale contained in schedule 16 higher than the salary group in which it fell prior to the increase, the following provisions shall apply—

- (a) if the member of the police force has attained the age of 35 years but is under the age of 55 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 the fund 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 of such scale 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  $5\frac{3}{4}\%$  of that increased salary—such sum (being a sum which will provide units of benefits to a number specified in such scale) not less than  $5\frac{3}{4}\%$  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 member of the police force has attained the age of 35 years, but is under the age of 55 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 the fund 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

*Superannuation (State Public Sector) Deed 1990*

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5<sup>3</sup>/<sub>4</sub>% of that increased salary—such sum (being a sum which will provide units of benefits to a number specified in the said scale) not less than 5<sup>3</sup>/<sub>4</sub>% 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;

- (c) if the member of the police force has attained the age of 55 years—he or she may, subject to paragraph (d), elect to increase the amount of his or her contribution to such a sum as will provide units of benefits under this chapter to a number not exceeding the number specified in column 2 of the scale contained in schedule 16 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, save as provided by section 219, or required to increase his or her contribution by reason of such increase in salary;
- (d) a member of the police force to whom paragraph (c) applies shall not, in respect of any increase in salary, be entitled or permitted under that paragraph 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;
- (e) 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 of the scale contained in schedule 16 opposite to the salary group within which his or her increased salary falls.

(4) Any increased contribution payable in pursuance of subsection (3)(a), (b) or (e) 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—

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

(5) Any increased contribution payable in pursuance of subsection (3)(c)

*Superannuation (State Public Sector) Deed 1990*

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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.

(6) For the purposes of this division where the salary of a member of the police force falls within the salary group ‘exceeding \$450.20’ set out in column 1 of the scale contained in schedule 16, the number ascertained in accordance with the formula in column 2 of that scale set opposite that salary group shall, with respect to that member, be deemed to be the number specified in column 2 of that scale opposite to the salary group within which his or her salary falls.

(7) For the purposes of the application at any time in relation to a contributor of the formula in column 2 of the scale contained in schedule 16 opposite to the salary group ‘exceeding \$450.20’ in column 1 of that scale—

~~that denotes the number of units (salary of the contributor) less the sum of \$450.20 by the sum of \$6.38.~~  
that denotes the number of units (salary of the contributor) less the sum of \$450.20 by the sum of \$6.38.

(8) For the purposes of contributions for units of benefits by members of the police force in accordance with the scale contained in schedule 16, the salary of every member who is a contributor at the commencement of the *Police Superannuation Act Amendment Act 1970* shall be deemed increased on and from the date of that commencement from the maximum salary within the salary group in column 1 of the said scale opposite to the number in column 2 of the said scale that was the number specified in column 2 of the scale contained in schedule 17 opposite to the salary group in which his or her salary fell immediately before the commencement of the *Police Superannuation Act Amendment Act 1970* and this chapter shall apply accordingly.

### **When member of police force may voluntarily increase contribution**

**219.(1)** Any member of the police force who is not contributing to the fund for units of benefits to the number thereof specified in the scale contained in schedule 16 opposite to the salary 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—

*Superannuation (State Public Sector) Deed 1990*

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- (a) the number thereof specified in the said scale opposite to the salary group in which the salary of the member of the police force making the election falls; and
- (b) the number thereof for which such member of the police force is contributing.

(3) Unless exempted by the board therefrom a member of the police force shall, before at any time increasing the amount of his or her contribution to the fund under this section, be medically examined at his or her own expense by a medical practitioner.

(4) A member of the police force 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 member of the police force are such as would justify his or her being then accepted as a contributor.

(5) Any increased contribution under this section shall 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 member of the police force making the election.

**Power to board to exempt etc. from contributing**

**220.(1)** According as the circumstances of any case in its opinion warrant, the board may exempt a member of the police force wholly or partly from the requirement imposed upon him or her by this chapter to contribute, or at any time to increase the amount of his or her 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 chapter to be paid by a member of the police force, then upon the expiration of that period (or of any extension thereof which it is hereby declared the board may grant) that member of the police force shall, unless the board wholly or partly exempts him or her from so doing, pay to the fund the contribution or increased contribution then required in his or her case by this chapter.



*Superannuation (State Public Sector) Deed 1990*

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(3) When the board does not specify the period for which it defers the contribution, or any increased contribution, required by this chapter to be paid by a member of the police force, the board may at any later time determine that deferment and thereupon, unless the board wholly or partly exempts him or her from so doing, the member of the police force concerned shall pay to the fund the contribution or increased contribution then required in his or her case by this chapter.

(4) In the case of any member of the police force (including a member of the police force to whom subsection (2) or (3) applies) partly exempted by the board from making the contribution or any increased contribution required in his or her case by this chapter, the payment which he or she 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 the contributor and, in the case of a male contributor, his family, or that continued contributions for the number of units for which he or she is contributing will cause him or her undue hardship, or that for any other reason which the board deems adequate he or she should be permitted to surrender units, the board may permit the contributor to surrender some or all of the units of benefits under this chapter for which he or she 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 $\frac{1}{4}$ % 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 219 for units of benefit—those units if the contributor nominates those units as the units to be surrendered;
- (b) in a case other than one referred to in paragraph (a)—those units for which the contributor last began to contribute.

**Member reduced in salary**

**221.(1)** Where the salary of a contributor has been reduced and by reason of that reduction falls within a salary group in column 1 of the scale contained in schedule 16 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  $1\frac{1}{4}\%$  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 subsection (1) 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 chapter 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 subsection (1) respectively of sections 235, 237 and 240.

**Units of benefits to be contributed for in equal numbers**

**222.** At all times units (including units to which division 4 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 1 such benefit than of another.

**Period for which contributions are to continue**

**223.(1)** A member shall continue to contribute as prescribed to the fund

*Superannuation (State Public Sector) Deed 1990*

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until the last day of the fortnightly pay-period last preceding the day on which—

- (a) he or she ceases to be a member; or
- (b) he or she attains the age for retirement;
- (c) his or her service as a member, ascertained as prescribed by section 289 of chapter 7 equals 42 years and 6 months;

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

(2) Where absence from duty referred to in subsection (1), other than sick leave of absence without pay, is for a continuous period of 14 days or more (whether or not working days) a contributor shall, unless the contributor elects pursuant to subsection (3) in addition to continuing to contribute to the fund as provided by subsection (1), pay to the consolidated fund for the period, an amount determined by the Treasurer.

(3) A contributor who would be required to pay amounts to the consolidated fund under subsection (2) 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 the contributor's absence; and
- (b) the board shall waive the additional payments to the consolidated fund that would be required by subsection (2) to be made by the contributor; and
- (c) the benefits to which the contributor or the contributor's dependants may become entitled under this chapter shall be reduced by such amounts as are determined by the actuary and approved by the board.

(4) The Governor in Council may waive the requirement under subsection (2) to make additional 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.

(5) Where a contributor is absent from duty without pay or at less than full salary, the board may, upon his or her application, permit the contribution in respect of the period of such absence to be made to the fund in such manner as respects periodical amounts or times of payment, or both, as the board approves.

(6) A contributor who, pursuant to subsection (1) or (2), is required to pay contributions to the fund and to make additional payments to the fund in respect of a period of absence from duty—

- (a) shall, before commencing the period of absence, pay to the fund the total amount of contributions and payments that 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 additional payments that the contributor is so required to pay.

(7) Where a contributor to whom subsection (6) applies does not comply with paragraph (a) or (b) of that subsection the benefits to which the contributor or the contributor's dependants may become entitled under this chapter may be reduced by such amounts as are determined by the actuary and approved by the board.

### **Refund of excess contributions**

**224.** Where a contributor has paid to the fund contributions in excess of those prescribed by this chapter, 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 members of the police force*

#### **Contributions according to scale graduated by age at commencement**

**225.(1)** The amount of contribution which shall be paid periodically by a member of the police force in respect respectively of annuity, incapacity and, in the case of a male member of the police force, assurance benefits, shall, except where otherwise provided in this chapter, be based upon—

*Superannuation (State Public Sector) Deed 1990*

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- (a) the number of units;
- (b) sex;
- (c) the age at which the member of the police force commences to contribute for each unit;
- (d) provision by contributors as to 35% of benefits payable from the fund pursuant to sections 235(1), 237(1), 240(1) and 244(1) and (2);

and shall, except where otherwise provided in this chapter, be in accordance with, in the case of male members of the police force, the table of contributions contained in schedule 19, part 1 and, in the case of female members of the police force, the table of contributions contained in schedule 19, part 2.

(2) In respect of units of benefits for which a member of the police force who is a contributor at the commencement of the *Police Superannuation Act Amendment Act 1970* commenced to contribute before that commencement (including reserve units of benefits and any units of benefits for which the contributor contributed by way of commutation of contributions by payment of a lump sum pursuant to section 252 or by way of a single premium pursuant to section 60 of the repealed *Police Superannuation Act 1968* or towards the provision of which the contributor is deemed by section 265(3) to have contributed by way of a single premium), the contributor shall, on and from the said commencement, pay at the periodical interval prescribed by or under section 216 a contribution the amount of which shall, except where otherwise provided by this chapter, be—

- (a) in respect of units of benefits (not being units for which the contributor contributed by way of commutation of contributions by payment of a lump sum pursuant to section 252 or by way of a single premium pursuant to section 60 of the repealed *Police Superannuation Act 1968* or towards the provision of which the contributor is deemed by section 265(3) to have contributed by way of a single premium)—the sum of—
  - (i) such amount ascertained in accordance with, in the case of male members of the police force, the table of contributions contained in schedule 18, part 1 and, in the case of female members of the police force, the table of contributions

*Superannuation (State Public Sector) Deed 1990*

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contained in schedule 18, part 2 as would provide the units of benefits; and

- (ii) the amount of the difference between such amount, ascertained in accordance with the applicable table of contributions contained in schedule 19 as if the contributor had commenced to contribute for the units on the date of commencement of the *Police Superannuation Act Amendment Act 1970*, as would provide the units of benefits and such amount, ascertained in accordance with the applicable table of contributions contained in schedule 18 as if the contributor had commenced to contribute for the units on the date of the said commencement, as would provide the units of benefits;

- (b) in respect of units of benefits (not being units to which paragraph (a) relates)—the amount of the difference specified in paragraph (a)(ii) where a reference to units of benefits in that subparagraph is read as a reference to units of benefits to which this paragraph relates.

**(3)** Subsection (4) applies to a member of the police force—

- (a) who is a contributor at the commencement of the *Police Superannuation Act Amendment Act 1970*; and
- (b) who before that commencement was a contributor; and
- (c) who had not attained the age of 45 years before the said commencement.

**(4)** In respect of units of benefits (being units to which subsection (2) applies) towards the provision of which provision is deemed by section 265(3) to have been made by way of a single premium or for which contribution by way of a single premium pursuant to section 60, a contributor to whom this subsection applies may, by notice in writing lodged with the board, elect to commute the increase in contributions for all, or such lesser number as the contributor may specify in the notice, of such units of benefits arising by reason of being required to contribute therefor in accordance with subsection (2) by payment of a lump sum of such amount as shall be determined by the actuary and approved by the board.

**(5)** A contributor who in accordance with an election pays the lump sum

specified in subsection (4) in relation to the case shall be deemed to have contributed for the units of benefits the subject of the election in accordance with subsection (2).

(6) An election may not be made under subsection (4) more than 30 days after the commencement of the *Police Superannuation Act Amendment Act 1970*.

(7) Nothing in section 218 shall be read as limiting the amount of the contribution payable by a contributor under this section.

(8) For the purpose of subsection (9)—

**“hypothetical fortnightly contribution”** means the fortnightly contribution, as at 1 January 1975, that would have been payable by a contributor in respect of the units of benefit (the **“said units of benefit”**) for which he or she is a contributor under this chapter as at that date (excluding any units of benefit that were effected pursuant to section 219 after 1 August 1974 and any reserve units of benefit) if—

- (a) each (if any) of the said units of benefit that was taken up pursuant to section 219 had been effected immediately before the date of its becoming a unit of benefit in respect of which an election might be made under section 219; 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 had the contribution in respect thereof so commuted;

but where neither paragraph (a) or (b) is applicable to the case in question means the fortnightly contribution as at 1 January 1975 that is payable by a contributor in respect of the said units of benefit.

(9) A contributor whose hypothetical fortnightly contribution exceeds the sum equal to 15%, or, in case of a contributor whose age for retirement is 65 years, 13%, of his or her fortnightly salary as at 1 January 1975 may, by application in writing to the board prior to 1 March 1975, have the actual fortnightly contribution that is payable by him or her as at that firstmentioned date in respect of the said units of benefit reduced by whichever is the lesser of—

- (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 15%, of such fortnightly salary.

(10) Any reduction in the actual fortnightly contribution under subsection (9) shall apply retrospectively on and from the first due date for the payment of the contributor's fortnightly contributions after 1 January 1975.

### **Reduction in contributors' contribution in 1988**

**226.(1)** Notwithstanding the provisions of section 225, on and from the day that is the first pay day 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 1974.

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

### ***Division 4—Reserve units of benefits***

#### **Contribution for reserve units**

**227.(1)** A contributor who is contributing to the fund for units of benefits to the number thereof specified in the scale contained in schedule 16 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) Contributions for a reserve unit of benefit—

- (a) shall be in accordance with, in the case of a male member of the police force, the table of contributions contained in schedule 19,



part 1 and, in the case of a female member of the police force, the table of contributions contained in schedule 19, part 2; and

- (c) shall 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 on which the contributor elects to contribute for that reserve unit of benefit.

(4) Unless exempted by the board therefrom a member of the police force shall, before at any time contributing or increasing the amount of his or her contributions for reserve units of benefits under this division, be medically examined at his or her own expense by a medical practitioner.

(5) A member of the police force 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 member of the police force are such as would justify his or her being then accepted as a contributor.

### **When reserve units become ordinary units of benefits**

**228.** 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 chapter (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 the appropriate rates of contributions applicable to the particular case under this chapter, the additional units of benefits, such number of reserve units of benefits up to but not exceeding the number of such units for which the contributor is contributing pursuant to this division as is equal to the difference between—

- (c) the number of units of benefits specified in the scale contained in schedule 16 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 member of the police force is contributing;

shall cease to be reserve units to which this division applies and shall become units of benefits for which the contributor is contributing under the provisions of this chapter (other than this division) the contribution for which shall continue to be the contribution that 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**

**229.** A contributor who is contributing for 1 or more reserve units of benefits may, subject to section 222, elect to discontinue his or her contributions in respect of all or any 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 or 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 1¼% 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.

### **Benefits payable on reserve units**

**230.(1)** Where a contributor contributes for reserve units of benefit pursuant to this division, the benefits payable under this chapter 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 (not being units of such benefit which have ceased pursuant to section 228 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 chapter if those reserve units were units of benefit for which the contributor was contributing within the number appropriate to the salary group in column 1 of the scale contained in schedule 16 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 a member of the police force after attaining the age for retirement, benefits payable in respect of reserve units of annuity shall be payable to the contributor on attaining this age and shall be at the same rate

as that to which the contributor would be entitled if the contributor had ceased to be a member on attaining the age for retirement.

### **Payment of lump sum on ceasing to contribute**

**231.(1)** A contributor who is contributing for 1 or more reserve units of benefits 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 a member of the police force before attaining the age for retirement;
- (b) he or she attained the age for retirement or retires from service by reason of an election referred to in section 234(2)(d);

shall be entitled 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, in the case of a male contributor, assurance benefit and, 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 230, 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 for retirement—before the expiration of a period of 1 month commencing on the date of his or her retirement;
- (b) in any other case—before the expiration of a period of 1 month commencing on the date on which the contributor attains the age for retirement or retires from service by reason of an election referred to in section 234(2)(d), as the case may be.

**(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

*Superannuation (State Public Sector) Deed 1990*

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before attaining the age for retirement 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 (not being units of such benefit which have ceased pursuant to section 228 to be reserve units of benefits).

(4) The sum prescribed by this section to be paid in respect of the number of reserve units of the benefits in question shall be a sum 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 attainment of the age for retirement or retirement from service by reason of an election referred to in section 234(2)(d)—such amount as shall be determined by the actuary and approved by the board;
- (b) in any case to which paragraph (a) does not apply—the aggregate of all amounts (accumulated at the rate of 1 $\frac{1}{4}$ % 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) 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 5—Payments by the Crown***

**Amount of contribution by the Crown**

**232.** The Treasurer shall pay to the fund the amount that the actuary certifies from time to time in order to make proper provision for payment out of the fund of all benefits and other payments provided for in this chapter.

## **PART 3—BENEFITS AND PAYMENTS**

### *Division 1—Benefits transferred to preservation account*

#### **Preservation account**

**233.** If a benefit is payable under this chapter to a member, other than by way of a pension, the board must credit the member's voluntary preservation account with the amount of the benefit.

### *Division 2—Annuity benefit*

#### **When entitlement to annuity benefit accrues**

**234.(1)** Every contributor to whom this section applies shall be entitled to annuity benefit on attaining the age for retirement 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 he or she would attain the age for retirement, on his or her retirement.

**(2)** This section applies to every contributor—

- (a) who, by reason of incapacity, is retired from his or her employment as a member of the police force before attaining the age for retirement 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 a member of the police force on attaining the age for retirement; or
- (c) who is continued in his or her employment as a member of the police force after attaining the age for retirement; or
- (d) who elects to retire at any time within the period of 5 years immediately preceding the day on which he or she would attain the age for retirement.

**Units of annuity benefit**

**235.(1)** Subject to subsections (2) and (3), 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 a member of the police force after attaining the age for retirement 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 makes an election as is mentioned in section 234(2)(d) to retire before the day 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—

$$R = \frac{K}{100} \left( 1 - \frac{t}{40} \right) 3.84$$

where—

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

“**K**” means 85 + 3 (age at retirement in years and complete months—55).

“**t**” means the remainder obtained by subtracting from 60 the contributor’s age as at the time of retirement (expressed in years).

**(4)** Subject to this chapter, a contributor shall—

- (a) be entitled to receive annuity benefit according to the number of units for which he or she was contributing on attaining the age for retirement; or
- (b) in the case of a contributor retired, by reason of incapacity or an election as is mentioned in section 234(2)(d), from his or her employment as a member of the police force before attaining that age—the number of units for which he or she was contributing when so retired.

***Division 3—Incapacity benefit*****When entitlement to incapacity benefit accrues**

**236.(1)** Save as otherwise prescribed by subsections (3), (5) and (6) every contributor to whom this section applies is 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 if retired, by reason of incapacity, from his or her employment as a member of the police force, 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 at which he or she would have retired if he or she had continued to be a member of the police force in the rank or grade held by him or her at his or her retirement, or until his or her re-employment as a member of the police force, whichever occurs first.

(3) A person shall not be entitled to incapacity benefit under this chapter 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 subsection (3) applies a contributor is retired from employment as a member of the police force, he or she shall be entitled to be paid the sum equal to the aggregate of all amounts paid by him or her in respect of units of annuity benefit, incapacity benefit and assurance benefit under this chapter accumulated at the rate of 1¼% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound, but, save such payment, such retirement shall determine all his or her right and interest in respect of benefits for which he or she was a contributor.

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

(6) Before a person is entitled to an incapacity benefit that person is to satisfy the board that the incapacity is such as to render that person permanently unfit to discharge efficiently or permanently incapable of discharging efficiently the duties of that person's office.

**Units of incapacity benefit**

**237.(1)** The unit of incapacity benefit is at the rate of \$3.84 per fortnight.

(2) Subject to this chapter, a contributor shall be entitled to receive incapacity benefit according to the number of units for which he or she is contributing when he or she is retired, by reason of incapacity, from his or her employment as a member of the police force.

**Application to commute incapacity benefits**

**238.(1)** A person who, after the passing of the *Superannuation Acts Amendment Act 1984*, is retired or permitted to retire from employment as a member of the police force by reason of incapacity and is entitled to receive an incapacity benefit may apply in writing to the board to convert into a lump sum payment the whole of his or her incapacity benefit entitlement under this chapter.

(2) A person to whom subsection (1) applies who is or was prior to his or her retirement a police 74 member is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to incapacity benefit under this chapter 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 chapter 7.

(3) An application under subsection (1)—

- (a) must be made within 6 months after the day the entitlement to the incapacity benefit arises; 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 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 231.

(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 chapter ceases.



***Division 4—Assurance benefit*****Entitlement to assurance benefit**

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

**(2)** This section applies to—

- (a) the widow of a contributor who dies before attaining the age for retirement or, except in a case to which section 244(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 chapter immediately before the person's death, if the marriage to the person had occurred before—
  - (i) where the person had attained the age for retirement—that age; or
  - (ii) where the person had been, by reason of incapacity, retired from employment as a member before the person attained the age for retirement or the person had retired pursuant to an election referred to in section 234(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 234(2)(d), has commuted for a lump sum the whole of the annuity benefit to which the person was entitled under this chapter, if the marriage to the person had occurred before—
  - (i) where the person had attained the age for retirement—that age; or
  - (ii) where the person had been, by reason of incapacity, retired from employment as a member before the person attained the age for retirement or the person had retired pursuant to an election referred to in section 234(2)(d)—such retirement;
- (d) the widow of a person retired by reason of incapacity from employment as a member who at the date of death was entitled to or, but for the operation of section 260(4), would have been

entitled to an incapacity benefit under this chapter and who dies before attaining the age for retirement, if the marriage to the person had occurred before such retirement.

(3) In this section reference to a widow shall be construed as a 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**

**240.(1)** Subject to subsection (2), the value of a unit of assurance benefit shall be—

- (a) if a contributor dies in service before turning 55—under schedule 20;
- (b) if a contributor dies in service on or after turning 55 but before turning 60—under schedule 21;
- (c) where entitlement thereto is derived through a person who immediately before the person's death was entitled to a pension under this chapter or who, but for the operation of section 260(4) or an application under section 249, would be entitled to a pension under this chapter, other than a person who has retired pursuant to an election referred to in section 234(2)(d)—in accordance with the formula—

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

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 22 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 or her death, entitled under this chapter or, as the case may be, would have been entitled under this chapter but for the operation of section 260(4) or an application under section 249.

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

- (d) where entitlement thereto is derived through a person who retired pursuant to an election referred to in section 234(2)(d)—in accordance with the formula—

$$A = \frac{B \times C \times \left(1 - \frac{t}{40}\right) \times \frac{K}{100}}{D}$$

(2) Notwithstanding the provisions of subsection (1), the value of a unit of assurance benefit in respect of which an exemption has been granted by the board pursuant to section 27(3A) shall be such value as is determined by the actuary and approved by the board.

### **Extent of assurance benefit**

**241.(1)** Subject to this chapter, a widow to whom section 239 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 the person 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 234(2)(d) and has commuted (pursuant to division 7) for a lump sum the whole or part of the annuity benefit to which the person became entitled under this chapter, the person’s 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.

**Widow's right to substitute pension for assurance benefit**

**242.(1)** Subject to this section, a widow to whom section 239 applies may elect not to receive assurance benefit for 1 or more units of assurance 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 240(1)(c)—the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

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

where—

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

**“A”** means the fortnightly amount of pension to which the person through whom the widow's entitlement is derived was immediately before the person's death entitled under this chapter or would have been entitled under this chapter but for the operation of section 260(4) or an application under section 249.

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

- (b) where the value of each unit of assurance benefit to which the widow is entitled is ascertained as prescribed by section 240(1)(d)—the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

$$R = \frac{2.56 \times A \times \left(1 - \frac{t}{40}\right) \times \frac{K}{100}}{B}$$

**(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 applicant desires to substitute a widow's pension.

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

**(5)** Where a person entitled to a widow's pension under this chapter remarries and—

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

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 the person had not remarried.

**(6)** A widow who having remarried again becomes widowed shall not be entitled to a pension pursuant to subsection (5) if an amount becomes payable to the widow under section 239 of this chapter or under section 294 of chapter 7 in the event of the widow so becoming widowed unless the widow elects as prescribed to forgo entitlement to that amount to which the widow is entitled under either of those sections or under both of those sections if the widow 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.

***Division 5—Additional assurance benefit for children*****Children entitled to additional assurance benefit**

**243.(1)** Subject to this chapter, 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 234(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 the person's death;

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

(b) a deceased or divorced spouse 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 on or after the passing of the *Superannuation Acts Amendment Act 1984* and the death of that person that is not the issue of that person.

**(3)** For the purposes of this division—

**“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**

**244.(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 256 from and including that 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* was entitled to additional assurance benefit under section 44(1)(b) of the *Police Superannuation Act 1968–1979*—at a rate in accordance with the following table in respect of each unit of assurance benefit for which the person through whom the entitlement to additional assurance benefit arose or arises was contributing when the person died or otherwise ceased to be a contributor—

TABLE

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

(2) 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 chapter 7, 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.

(3) 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.

*Superannuation (State Public Sector) Deed 1990*

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(4) 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.

(5) Where by reason of the death of a contributor or a person in receipt of benefit the only entitlement derived through the person or contributor 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, where there are more than 1 child who derive the entitlement, in respect of all of them shall equal at the least the amount that would be payable in respect of 1 child (being a child deriving the 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 the entitlement through that contributor or person in receipt of benefit) at the date when the entitlement to the additional assurance benefit commenced.

(6) Where by reason of the death of a contributor or a pensioner the only entitlement derived through the contributor or pensioner 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 the benefit paid in respect of the child or, where there are more than 1 child who derive the entitlement, in respect of all of them (disregarding for the purpose of calculating that amount any increase in the rate of benefit payable since the time when the entitlement commenced) is less than the amount that would have been payable under section 239 to the widow of the person through whom the entitlement is derived, had the person left a widow upon the person's 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 6—Surrender values and refunds of contributions for annuity and assurance benefits***

**Endowment payment in lieu of units of assurance benefit**

**245.** A contributor who on or after the passing of the *Superannuation Acts Amendment Act 1984* attains the age for retirement or retires before



*Superannuation (State Public Sector) Deed 1990*

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attaining that age by reason of an election mentioned in section 234(2)(d) and—

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

is entitled, in addition to annuity benefit to the payment (if any) to which the contributor is entitled under paragraph (a), an amount determined by the actuary and approved by the board in respect of each unit of assurance benefit for which the contributor was contributing immediately before the contributor ceased to be a contributor or, as the case may be, in respect of each of those excess units of assurance benefit and the contributor 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 the contributor 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**

**246.(1)** If and when a person ceases to be a contributor before attaining the age for retirement, otherwise than by reason of an election as is mentioned in section 234(2)(d), he or she or, if he or she has died, his or her 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 him or her to the fund in respect of units of annuity benefit for which he or she was then contributing accumulated at the rate of 1¼% 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)** Subsection (1) does not apply to a person retired, by reason of incapacity, from his or her employment as a member of the police force.

**(3)** When a person over the age for retirement who has been a contributor and who when the person died was entitled to receive annuity benefit under this chapter, 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 chapter in respect of which the person was entitled to the receipt of annuity benefit when the person died that would have been made 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 made to the person before the person died.

**(4)** For the purposes of subsection (3)—

- (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) section 256 shall be disregarded in calculating entitlement under subsection (3).

**(5)** Subsection (3) applies to a person who ceases to be a contributor by reason of an election as is mentioned in section 234(2)(d) as if—

- (a) the reference 'the age for retirement' were a reference to the

person's age on retirement pursuant to such election;

- (b) the reference 'the rate of \$3.84' were a reference to the rate ascertained in accordance with the formula prescribed in section 235(3).

### **Refunds of incapacity benefit contributions**

**247.(1)** If and when a person ceases to be a contributor before attaining the age for retirement 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<sup>1</sup>/<sub>4</sub>% 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 234(2)(d), from employment as a member.

### **Refund of assurance benefit contributions**

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

- (a) the person's death; or
- (b) the person's retirement from employment as a member on the ground of incapacity; or
- (c) the person's retirement from employment as a member pursuant to an election referred to in section 234(2);

the person 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 assurance benefit for which the person was contributing accumulated at the rate of 1<sup>1</sup>/<sub>4</sub>% 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 7—Commutation of annuity benefit*****Application to commute**

**249.(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 (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 231) for which he or she was contributing—

- (a) on attaining the age for retirement; or
- (b) in the case of a contributor retired by reason of incapacity from his or her employment as a member of the police force before attaining the age for retirement without again becoming a member—at his or her retirement; or
- (c) in the case of a contributor who makes an election as is mentioned in section 234(2)(d) to retire before the day on which he or she would attain the age for retirement—on his or her retirement.

**(2)** The application shall be made—

- (a) in the case of a contributor retired by reason of incapacity from his or her employment before attaining the age for retirement without again becoming a member—before the expiration of a period of 1 month commencing on the date on which he or she attains that age; and
- (b) in the case of a contributor who makes an election as is mentioned in section 234(2)(d) to retire before the day on which he or she would attain the age for retirement—before the expiration of a period of 1 month commencing on the date on which his or her retirement 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 for retirement.

**(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 a member of the police force) 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 that subsection 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.

### **Persons not entitled to commute**

**250.(1)** This division does not apply to a contributor who—

(a) elects, after the commencement of the *Police Superannuation Act Amendment Act 1970* and after having attained an age that is 5 years less than the age for retirement, to increase his or her contribution under section 219 and is accepted by the board as a contributor under that section; or

(2) Where a contributor prior to retirement has duly surrendered all the units of benefits for which the contributor is contributing under section 219 the contributor shall, for the purposes of this section, be deemed not to have elected to increase the amount of the contributor's contributions under section 219.

### **Ascertainment of lump sum payable**

**251.(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 249 is such amount as is determined by the actuary and approved by the board as the actuarial reserve of the units of annuity benefit to which the application relates.

(2) In the case of a contributor who is continued in his or her employment as a member of the police force after attaining the age for retirement and who makes an application under section 249, the lump sum that is payable is such amount as is determined by the actuary and approved by the board as the actuarial reserve of the part or proportion of the units of annuity benefit to which the application relates attributable to contributions to the fund derived from the contributor.

(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 a member of the police force a sum of such amount as is determined by the actuary and approved by the board as the actuarial reserve as at the date on which the retirement takes effect of the part or proportion of the units of annuity benefit in respect of which the lump sum was payable under subsection (2) attributable to contributions to the fund derived from the Crown.

(4) In the case of a contributor who retires pursuant to an election as is mentioned in section 234(2)(d), for the purpose of determining the lump sum that is payable under this division each unit of annuity benefit in respect of which the contributor makes an application under section 249 shall be taken to provide a benefit ascertained in accordance with the formula prescribed by section 235(3).

### *Division 8—General provisions respecting benefits*

#### **Right to prepay contributions**

**252.(1)** The board may permit a contributor to commute the contribution for benefits under this chapter, or any of them, payable by him or her 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 chapter attributable to a period within the 5 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 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 5 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 chapter 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 chapter, 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**

**253.(1)** Except where otherwise provided in this chapter, 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.

(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**

**254.** Where in the opinion of the board payment of any benefit, refund of contributions or other payment under this chapter 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**

**255.** Subject to this chapter, where in pursuance of this chapter any member of the police force becomes liable, or elects, to contribute for any units or additional units, he or she 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 he or she 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 him or her in respect of those units or additional units.

**Adjustment of benefits**

**256.(1)** In this section—

“**basic rate**”, in relation to a benefit, means the rate at which the benefit was payable under the repealed *Police Superannuation Act 1968* when it came into force.

“**index**” means the all groups consumer price index for Brisbane published by the Australian Statistician.

“**pay-period**” means the period with respect to which the fortnightly or other periodic instalment of benefits is payable in pursuance of section 253(3).

“**year**”, save in subsection (3), means a year commencing on 1 August.

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

(3) The government statistician shall, as soon as practicable after 30 June in each year, 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



*Superannuation (State Public Sector) Deed 1990*

which immediately before the making of the adjustment, the benefit was payable by the percentage declared in respect of that year under subsection (4); and

- (b) so as to operate from and including the commencement of the first pay-period occurring wholly in the month of August in that year.

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

- (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 in the year immediately following the year in which the benefit comes into force;
- (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—

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

where—

“V” means the fortnightly amount referred to in that paragraph.

“A” means the amount by which, but for the operation of that subsection, 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).

(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 benefits where entitlement follows a former entitlement**

**257.** Where on or after 1 July 1974 a person becomes entitled to a benefit under division 1 (the “**subsequent benefit**”) and the person was, immediately before becoming so entitled, entitled to a benefit under division 2 (the “**former benefit**”) and has not since becoming entitled to the former benefit resumed employment as a member, the benefit to which the person is entitled is a benefit calculated in accordance with the formula—

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

where—

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

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

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

“**C**” means the fortnightly amount of the former benefit that was payable to the person on becoming entitled thereto.

### **Variation of entitlement to adjustment**

**258.(1)** Where in the opinion of the board a person in receipt of a benefit under this part would be prejudicially affected by an increase in his or her benefit under section 256 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).

**(3)** 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.

**(4)** 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.

**(5)** Unless it is otherwise determined by the board, for the purpose of determining the amount of benefit payable under section 240 or 257 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 257, the amount of benefit that

would have been payable to the person had no such determination been made.

### **Proof of continued incapacity**

**259.(1)** Any person who has been retired, by reason of incapacity, from employment as a member of the police force, and who is in receipt of incapacity benefit, shall whilst he or she continues to be in receipt of incapacity benefit, give as prescribed such notifications and certificates relating to his or her continued incapacity as shall be prescribed and submit himself or herself 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 subsection (1), the board may discontinue the payment to him or her of incapacity benefit until he or she remedies the default to its satisfaction.

### **Incapacity beneficiary restored to health may be recalled to service**

**260.(1)** If, in the opinion of the board, the health of any person who has been retired, by reason of incapacity, from employment as a member of the police force, and who is in receipt of incapacity benefit, has become so restored as to enable him or her to perform, in the opinion of the board, duties as a member of the police force, the board shall so inform the commissioner of the police service with a view to employment as a member of the police force being found for such person.

**(2)** If employment as a member of the police force is offered to him or her and he or she fails to accept that employment the board may cancel the incapacity benefit and thereupon it shall cease to be payable.

**(3)** Upon the cancellation pursuant to this section of the incapacity benefit payable to any person, neither that person nor any other person claiming through him or her, either immediately or at any future time, shall have any right or claim to any payment or, as respects incapacity benefit, further payment from the fund in respect of any units of annuity benefit, or of incapacity benefit, or in the case of a male contributor of assurance benefit (including additional assurance benefit) for which he or she was contributing to the fund when he or she retired save that such person shall

be paid from the fund the sum equal to the aggregate of all amounts paid by him in respect of units of annuity benefit and assurance benefit accumulated at the rate of 1 $\frac{1}{4}$ % per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound.

(4) If at any time it appears to the board that any person who has been retired, by reason of incapacity, from employment as a member of the police force, and who is in receipt of incapacity benefit, engages in—

- (a) any business or occupation on his or her own account; or
- (b) employment (not being employment by virtue whereof he or she is a member of the police force);

the board may suspend the incapacity benefit.

(5) For the period during which any such person is engaged as mentioned in subsection (4), he or she shall not be entitled to or receive any incapacity benefit but the board may direct that he or she receive, for that period or such part thereof as the board determines, the whole of the incapacity benefit in question or such part thereof as the board considers reasonable.

(6) Upon the termination of the engagement by virtue whereof payment of incapacity benefit to any person has been suspended under subsection (5), such incapacity benefit shall, subject to this chapter, again become payable and be paid to such person.

### **Contribution by retired incapacity beneficiaries upon re-employment**

**261.** If a person who has been retired, by reason of incapacity, from employment as a member of the police force and who is in receipt of incapacity benefit again becomes a member of the police force, the period during which he or she was retired shall not, for the purposes of this chapter, be deemed to be a break in the continuity of his or her service as a member of the police force, 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 chapter.

### **Postponement of payment of refunds**

**262.(1)** Notwithstanding the provisions of sections 246, 247 or 248,

*Superannuation (State Public Sector) Deed 1990*

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where a contributor ceases to be a member by reason of—

- (a) resignation before attaining an age that is 5 years before the contributor's age for retirement; or
- (b) termination of employment as a member before attaining an age that is 5 years before the contributor's age for retirement, otherwise than on account of misconduct; or
- (c) resignation in accordance with arrangements approved by the Governor in Council in relation to contributors of the class of that contributor; or
- (d) non-renewal or termination by the Crown (otherwise than on account of misconduct) of a contract or appointment for a tenure limited by time under the *Police Service Administration Act 1990* and that contributor is not eligible to make, or does not make, an election in accordance with section 5.10 of that Act;

and that person makes an election pursuant to section 299 of chapter 7 that person shall, by reason of having made that election, be treated as having elected not to take from the fund the sums referred to in sections 246, 247 and 248.

(2) Where an election is, pursuant to subsection (1), treated as having been made, there is to be credited to the fund on account of the elector the amount calculated in accordance with the formula—

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

where—

“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 expressed as F.

“C” means the period expressed in years for which the contributor has contributed to the fund to the date on which the contributor ceases to be a member.

“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 expressed as F.

*Superannuation (State Public Sector) Deed 1990*

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“**E**” means the contributor’s age expressed in years and complete months at the date on which the contributor ceases to be a member.

“**F**” means the age that is 5 years before the contributor’s age for retirement;

until, subject to subsection (3)—

- (a) the contributor attains the age that is 5 years before the age for retirement; or
- (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 a employee; or
- (c) the contributor, being a person to which subsection (1)(a) or (b) apply, informs the board in writing that the contributor no longer desires the election to operate; or
- (d) the contributor dies; or
- (e) the contributor, being a person to whom subsection (1)(c) or (d) apply, notifies the board of a desire to be paid the prescribed amount payable in cash;

whereupon the prescribed amount is to be paid to the contributor or to the contributor’s 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 person’s account under this section shall be added to the prescribed amount credited in the fund on the person’s account under section 299 of chapter 7 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, being a person to whom subsection (1)(a) or (b) apply, has informed the board in writing that the elector no longer desires the election made under section 299 of chapter 7 to operate—the sums which the elector would have been entitled to be paid from the fund pursuant to sections 246, 247 and 248 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 a member and that is properly attributable to those sums; and

- (b) in any other case—the amount credited in the fund on account of the elector pursuant to subsection (2), together with interest for the period since the date on which the elector ceased to be a member.

(5) For the purposes of subsection (4)(a) and (b), 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 4—TRANSITIONAL PROVISIONS**

### *Division 1—Interpretation*

#### **Application of pt 5**

**263.(1)** This part applies to every member of the police force required by this chapter to contribute to the fund whose employment as a member of the police force (whether on probation or otherwise) commenced before 7 July 1969 and who immediately before that date was contributing under the repealed provisions in respect of superannuation allowance.

(2) In this part—

**“member of the police force”** means a member of the police force to whom this part applies.

### *Division 2—Contributions for units of benefits by members of the police force*



**Contributions for benefits by members of the police force**

**264.(1)** Every member of the police force shall, as from 7 July 1969 and thereafter whilst he or she is required to contribute to the fund, contribute thereto for all units of benefits to the number thereof specified in column 2 of the scale contained in schedule 17 opposite the salary group within which his or her salary on that date falls.

**(2)** Where during the period commencing on 7 July 1969 and ending on 8 July 1979 the salary of a member of the police force being a contributor is increased and, by reason of that increase, falls within a salary group in column 1 of the scale contained in schedule 17 higher than the salary group in which it fell prior to the increase, the member of the police force shall thereafter contribute for the number of units of benefits specified in column 2 of such scale opposite to the salary group within which his or her increased salary falls.

**(3)** In respect of the number of units of benefits for which a member of the police force is required to contribute pursuant to subsection (1), or subsections (1) and (2), the contribution payable shall be—

- (a) such sum as will provide the units of benefits according to the appropriate table contained in schedule 18; or
- (b) if the sum specified in paragraph (a) exceeds—
  - (i) in the case of a male contributor—the rate of  $5\frac{3}{4}\%$ ; or
  - (ii) in the case of a female contributor—the rate of  $5\%$ ;of the contributor's salary, a sum equal to—
  - (iii) in the case of a male contributor— $5\frac{3}{4}\%$ ; or
  - (iv) in the case of a female contributor— $5\%$ ;of that salary.

**(4)** Save as otherwise expressly provided in this division, a member of the police force shall, whilst he or she is required by this chapter to contribute to the fund, contribute thereto in accordance with part 3 but the number of units of benefit for which the member is required or entitled to contribute under the provisions of this chapter (other than this division) is the number of units ascertained in accordance with those provisions less the number of units for which the member is required to contribute under the provisions of subsection (1), or subsections (1) and (2).

*Superannuation (State Public Sector) Deed 1990*

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(5) Notwithstanding subsections (1) to (4), on and after the commencement of the *Police Superannuation Act Amendment Act 1970* the amount of contribution that shall be paid by a member of the police force in respect of units to which this section relates shall be ascertained in accordance with subsection (6) or (7).

(6) In respect of the number of units of benefits for which a member of the police force is required to contribute pursuant to subsection (1), or subsections (1) and (2), the contribution payable shall be—

(a) in respect of units of benefits (not being units for which the member contributed by way of commutation of contributions by payment of a lump sum pursuant to section 252 or towards the provision of which the member is deemed by section 265(3) to have contributed by way of a single premium)—the sum of—

(i) such amount ascertained in accordance with, in the case of male members of the police force, the table of contributions contained in schedule 18, part 1 and, in the case of female members of the police force, the table of contributions contained in part 2 of that schedule as would provide the units of benefits or where that amount exceeds—

(A) in the case of a male contributor—the rate of  $5\frac{3}{4}\%$ ; or

(B) in the case of a female contributor—the rate of 5%;

of the contributor's salary, an amount equal to—

(C) in the case of a male contributor— $5\frac{3}{4}\%$ ; or

(D) in the case of a female contributor—5%;

of that salary; and

(ii) the amount of the difference between such amount, ascertained in accordance with the applicable table of contributions contained in schedule 19 as if in the case of such of the units of benefits as the contributor had commenced to contribute for before the date of commencement of the *Police Superannuation Act Amendment Act 1970* the member had commenced to contribute for such units on the date of the said commencement, as would provide the units of benefits and

such amount, ascertained in accordance with the applicable table of contributions contained in schedule 18 as if in the case of such of the units of benefits as the contributor had commenced to contribute for before the date of commencement of the *Police Superannuation Act Amendment Act 1970* the member had commenced to contribute for such units on the date of the said commencement, as would provide the units of benefits;

- (b) in respect of units of benefits (not being units to which paragraph (a) relates)—the amount of the difference specified in paragraph (a)(ii) where a reference to units of benefits in that subparagraph is read as a reference to units of benefits to which this paragraph relates.

(7) Where, at or after the commencement of the *Police Superannuation Act Amendment Act 1970*, a member of the police force is required, or being entitled to elect elects, to contribute for units of benefits in addition to the units of benefit for which the member is required to contribute pursuant to subsection (1), or subsections (1) and (2), the amount of the contributions for those additional units shall be as prescribed by section 225(1).

(8) Nothing in section 218 shall read as limiting the amount of the contribution payable by a contributor under this section.

(9) Section 217 applies to this section.

### **Refund of contributions made under repealed provisions**

**265.** Save to the extent that the whole or any part thereof is paid to a contributor from the fund under section 59(1) or (2) of the *Police Superannuation Act 1968*, the aggregate of all amounts contributed prior to 7 July 1969 by a contributor by way of deduction from pay and salary to the police superannuation fund established under the repealed provisions shall be deemed to have been contributed to the fund by the contributor as a single premium towards the provision (as at 7 July 1969) of units of benefits to the number that is equal to the difference between—

- (a) the number of units of benefits for which the contributor is required to contribute pursuant to section 264(1); and
- (b) the number of units of benefits the amount that the contributor is

required to contribute to the fund under section 264(3) would provide on 7 July 1969 according to the appropriate table of contributions in schedule 18.

***Division 3—Persons in receipt of superannuation allowances etc. under the repealed provisions***

**Superannuation allowance**

**266.(1)** The right and interest of a person in respect of superannuation allowance (including additional superannuation allowance (if any)) that became payable to him or her under the repealed provisions, or that having become payable under any Act mentioned in the said provisions was preserved or continued by those provisions, before 7 July 1969, are, to the extent subsisting immediately before that date, hereby preserved and continued on and from that date and accordingly payments as necessary shall be made from the fund.

**(2)** The rate of superannuation allowance (including additional superannuation allowance (if any)) payable to a person to whom subsection (1) applies shall be increased—

- (a) in the case of a person who retired from the police service before the commencement of the *Police Acts Amendment Act 1959*—by \$275 per annum; or
- (b) in the case of a person who retired from the police service after the commencement of the *Police Acts Amendment Act 1959*—by four-twenty-firsts.

**(3)** Every person to whom subsection (1) applies and who is in receipt of that allowance on the date of passing of the *Police Superannuation Act 1968* or who becomes entitled to that allowance after that date shall be deemed to have been entitled to payment from the appropriate fund of superannuation allowance (including additional superannuation allowance (if any)) under the repealed provisions at the rate thereof increased—

- (a) save in the case of a person who became entitled to that allowance after 30 December 1968, during the period commencing on 1 January 1968 or the date on which that person became entitled to that allowance where the person became entitled after the said

*Superannuation (State Public Sector) Deed 1990*

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1 January whichever is later and ending on 30 December 1968—

- (i) in the case of a person to whom subsection (2)(a) applies—by \$200 per annum; and
  - (ii) in the case of a person to whom subsection (2)(a) applies—by one-seventh; and
- (b) on and from 31 December 1968 or, in the case of a person who became entitled to that allowance after that date, on and from the date on which that person became so entitled, whichever is later and until 6 July 1969, as prescribed by subsection (2).

(4) Superannuation allowances (including additional superannuation allowances (if any)) payable under the repealed provisions may be paid at the increased rates provided for in subsection (3) to persons entitled under that subsection to payment at the increased rates.

### **Widows' pensions**

**267.(1)** The right and interest of a person in respect of pension payable to the widow of—

- (a) a member of the police force who died before attaining the age of retirement; or
- (b) a retired member of the police force;

that became payable to the widow under the repealed provisions or that having become payable under any Act mentioned in the said provisions was preserved or continued by those provisions, prior to 7 July 1969, are, to the extent subsisting immediately before that date, hereby preserved and continued, on and from that date and accordingly payments as necessary shall be made from the fund.

(2) The rate of pension payable to a person to whom subsection (1) applies shall be increased—

- (a) in the case of a person who is—
  - (i) the widow of a member of the police force who died before the commencement of the *Police Acts Amendment Act 1959*; or
  - (ii) the widow of a retired member of the police force who

*Superannuation (State Public Sector) Deed 1990*

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retired from the police service before the commencement of the *Police Acts Amendment Act 1959*;

by \$172 per annum; or

- (b) in the case of a person who is—
  - (i) the widow of a member of the police force who died after the commencement of the *Police Acts Amendment Act 1959*;  
or
  - (ii) the widow of a retired member of the police force who retired from the police service after the commencement of the *Police Acts Amendment Act 1959*;

by four-twenty-firsts.

(3) Every person to whom subsection (1) applies and who is in receipt of that pension on the date of passing of the *Police Superannuation Act 1968* or who becomes entitled to that pension after that date shall be entitled to payment from the appropriate fund of pension under the repealed provisions at the rate thereof increased—

- (a) save in the case of a person who became entitled to that pension after 30 December 1968, during the period commencing on 1 January 1968 or the date on which the person became entitled to that pension where the person became so entitled after the said 1 January whichever is later and ending on 30 December 1968—
  - (i) in the case of a person to whom subsection (2)(a) applies—by \$125 per annum; and
  - (ii) in the case of a person to whom subsection (2)(b) applies—by one-seventh; and
- (b) on and from 31 December 1968 or, in the case of a person who became entitled to that pension after that date, on and from the date on which the person became so entitled, whichever is later and until 6 July 1969, as prescribed by subsection (2).

(4) Pensions payable under the repealed provisions may be paid at the increased rates provided for in subsection (3) to persons entitled under that subsection to payment at the increased rates.

**Children's pensions**

**268.(1)** The right and interest of a person in respect of pension or sum payable in respect of the child of—

- (a) a member of the police force who died before attaining the age of retirement; or
- (b) a retired member of the police service;

that became payable under the repealed provisions, or that having become payable under any Act mentioned in the said provisions was preserved or continued, under those provisions before 7 July 1969, are, to the extent subsisting immediately before that date hereby preserved and continued on and from that date and accordingly payments as necessary shall be made from the fund.

**(2)** The pension or sum payable in respect of a child to whom subsection (1) applies shall be increased at the rate of \$52 per annum.

**(3)** The pension or sum payable in respect of a child payable under the repealed provisions may be paid on and from 31 December 1968 at the increased rates provided for by subsection (2) to persons entitled in accordance with that subsection to payment at the increased rates.

**(4)** The pension or sum payable in respect of a child, to whom subsection (1) applies, on and from the commencement of the *Police Superannuation Acts Amendment Act 1977* shall be—

- (a) where the widow of the person through whom the pension is derived is or was entitled to a widow's pension under section 267 and is living—at the rate of \$16 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 271 from and including the first pay-period that occurs wholly in September 1977; and
- (b) in any case other than a case to which paragraph (a) applies—at the rate of \$32 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 271 from and including the first pay-period that occurs wholly in September 1977.

**Pension to widow or child for ex-member dying after 1968 Act commenced**

**269.(1)** Upon the death of a person to whom section 266(1) applies, on or after 7 July 1969, the widow or child of that person shall have a right or claim to payment of the pension or sums payable in respect of a widow or child under the repealed provisions that that widow or child would have had under those provisions if the *Police Superannuation Act 1968* had not been passed and accordingly payments as necessary shall be made from the fund.

**(2)** The rate of pension payable to a widow to whom subsection (1) applies shall be increased—

- (a) in the case of a widow of a retired member of the police force who retired from the police service before the commencement of the *Police Acts Amendment Act 1959*—by \$172 per annum; or
- (b) in the case of a widow of a retired member of the police force who retired after the commencement of the *Police Acts Amendment Act 1959*—by four-twenty-firsts.

**(3)** The rate of the pension or sum payable in respect of a child to whom subsection (1) applies shall be increased by \$52 per annum.

**(4)** Upon the death of a retired member of the police force, on or after 4 January 1971 who retired on or after 1 July 1961, to whom section 266(1) applies, the member's widow, if the marriage to the member took place before the member's retirement, shall, in lieu of the right or claim to payment prescribed by subsection (1), be entitled to a pension of five-eighths of the superannuation allowance which such member was receiving immediately prior to the member's death.

**(5)** The pension or sum payable in respect of a child to whom subsection (1) applies, on and from the commencement of the *Police Superannuation Acts Amendment Act 1977* shall be—

- (a) where the widow of the person through whom the pension is derived is or was entitled to a widow's pension under this section and is living—at the rate of \$16 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 271 from and including the first pay-period that occurs wholly in September 1977; and



- (b) in any case other than a case to which paragraph (a) applies—at the rate of \$32 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 271 from and including the first pay-period that occurs wholly in September 1977.

(6) Upon the death of a retired member of the police force on or after 29 August 1977, who retired on or after 1 April 1959, to whom section 266(1) applies, the member's widow, if the marriage took place before the member's retirement, shall, in lieu of the entitlement to pension prescribed by subsection (4), be entitled to a pension of 66.7% of the superannuation allowance which such member was receiving immediately prior to the member's death.

### **Savings**

**270.** To the extent necessary to give operation and effect to this division, the provisions of the repealed provisions with respect to benefits thereunder referred to therein respectively as superannuation allowance, additional superannuation allowance, pension to the widow of a member or retired member of the police force and sums payable in respect of a child of such a member or retired member shall apply.

### **Adjustment of benefits**

**271.(1)** In this section—

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

“**index**” means the all groups consumer price index for Brisbane published by the Australian Statistician.

“**pay-period**” means the period with respect to which the fortnightly or other periodic instalment of benefits to which this division applies is payable in pursuance of this chapter.

“**year**”, save in subsection (3), means a year commencing on 1 August.

(2) Subject to this section, a superannuation allowance, pension payable to a widow, or pension or sum payable to a child payable by virtue of this division (a “**benefit**”) shall be adjusted by the board in each year in

*Superannuation (State Public Sector) Deed 1990*

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accordance with this section.

(3) The government statistician shall, as soon as practicable after 30 June in each year, 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 benefit was payable by the percentage declared in respect of that year under subsection (4); and
- (b) so as to operate from and including the commencement of the first pay-period occurring wholly in the month of August in that year.

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

- (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

*Superannuation (State Public Sector) Deed 1990*

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 in the year immediately following the year in which the benefit comes into force;
- (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—

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

where—

“V” means the fortnightly amount referred to in that paragraph.

“A” means the amount by which, but for the operation of that subsection, 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).

(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.

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

### **Variation of entitlement to adjustment**

**272.(1)** Where in the opinion of the board a person in receipt of a benefit under this division would be prejudicially affected by an increase in his or her benefit under section 271 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).

**(3)** 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.

**(4)** 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.

**(5)** Unless it is otherwise determined by the board, for the purpose of determining the rate of pension payable under section 269 all determinations made under subsection (1) and all variations made under subsection (2)

shall be disregarded and the person in receipt of benefit shall be deemed to have been receiving, immediately before the person's death, the amount of benefit that would have been payable to the person had no such determination been made.

### **Incapacity beneficiaries when deemed on leave**

**273.** Sections 259 to 261 apply to persons whose right and interest in respect of superannuation allowance (including additional superannuation allowance) which became payable to them under the repealed provisions on retirement by reason of bodily injury received in the execution of their duty or mental or bodily infirmity which totally and permanently incapacitated them for work pursuant to the *Police Act 1937*, section 37 or which having become so payable under any Act mentioned in the repealed provisions were continued or preserved by those provisions are preserved and continued by section 266 of this chapter.

### **Incapacity beneficiaries re-employed as members of the police force**

**274.(1)** If any person whose right and interest in respect of superannuation allowance are preserved and continued by section 266 becomes a member of the police force, then the provisions applicable to members of the police force of this part shall apply to the person.

**(2)** For the purpose of so applying those provisions any reference therein to 7 July 1969, shall be read as referring to the date on which the person becomes a member of the police force.

### ***Division 4—Medical certificates***

#### **When evidence of good health required**

**275.** Notwithstanding anything in this chapter—

- (a) a member of the police force to whom section 274 applies; or
- (b) a member of the police force to whom division 4 applies;

shall not be entitled or required or permitted to contribute under this chapter to the fund unless and until he or she produces evidence of good health

satisfactory to the board or is exempted from so doing by the board.

## **PART 5—MISCELLANEOUS**

### **Limit of commutation or variation of benefits**

**276.** Except as prescribed by this chapter no commutation or other variation whatsoever of any benefit under this chapter or of any superannuation allowance (including additional superannuation allowance (if any)), pension or sum payable in respect of a child under the repealed provisions the right whereto is preserved and continued by this chapter shall be permitted in any circumstances whatsoever.

### **When fund charged with defalcations by contributors**

**277.** If any contributor ceases employment as a member of the police force by reason of—

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

the amount—

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

shall be a first charge upon any moneys payable from the fund by reason of such cessation of employment and may be deducted therefrom.

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

**278.** Whenever any question arises under this chapter 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.

### **Returns**

**279.(1)** The board may require a pensioner at any time to furnish such evidence of age as the board may consider sufficient and such other information as the board may require for the purposes of this chapter.

**(2)** If a pensioner fails to comply with a requirement of the board under subsection (1) and does not offer to the board a reasonable excuse for his or her failure the board may suspend payment of the pension to him or her until such time as the board's requirement is complied with to its satisfaction.

**(3)** Where payment of a pension is suspended under subsection (2) the pension shall not be payable in respect of the period of suspension.

**(4)** For the purposes of this section an excuse for failure by a pensioner to comply with a requirement of the board to the effect that he or she does not wish to furnish the evidence or information required or that furnishing the evidence or information required would prejudice the interests of the pensioner or other person under this chapter shall not constitute a reasonable excuse.

**(5)** In this section—

**“pensioner”** means a person to whom a pension is payable under this chapter.

## **CHAPTER 7—POLICE 74 MEMBERS**

## PART 1—PRELIMINARY

### Interpretation

**280.(1)** In this chapter—

**“1968 Act”** means the repealed *Police Superannuation Act 1968*.

**“1974 Act”** means the repealed *Police Superannuation Act 1974*.

**“age for retirement”** of a member means 60.

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

- (a) is under the age of 16 years; and
- (b) is not an offspring of—
  - (i) a marriage of a pensioner contracted after the pensioner’s retirement; or
  - (ii) the remarriage of a relict of a contributor or pensioner after his or her death or of a divorced wife;

and includes a person over that age but under the age of 25 years who is receiving, in the opinion of the board, full-time education at a school, college or university.

**“child to whom this chapter does not apply”** means—

- (a) a child of a relict of a member, born on or after the commencement of the *Superannuation Acts Amendment Act 1984* and the member’s death, who is not the issue of the member; or
- (b) a child of a divorced spouse of a member who is not the issue of the member.

**“child’s pension”** means a pension payable under part 4, division 3.

**“continuing contributor”** means a contributor who immediately before the commencement of the 1974 Act was a contributor under the 1968 Act and who on the said commencement continued to be a contributor under the 1968 Act, and includes—

- (a) a person to whom section 24(3) relates who having been a



*Superannuation (State Public Sector) Deed 1990*

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contributor under the 1968 Act or an Act repealed by that Act again becomes a member after the commencement of the 1974 Act.

**“contributor”** means a member who contributes under this chapter to the fund and includes—

- (a) a member who is required to contribute thereto but has not commenced contributions;
- (b) a member who has ceased to contribute thereto by reason of the member’s age or incapacity.

**“contributor’s pension”** means a pension that is payable under this chapter to a contributor other than an incapacity pension.

**“final average increase in salary”** in relation to a continuing contributor means the amount by which the contributor’s final average salary exceeds the fortnightly salary that the member would have received during the year immediately preceding the member attaining the age for retirement or the member’s earlier retirement from or death in service had the member’s salary remained constant at the rate in force at the date immediately before the commencement of the 1974 Act or, where the contributor is a person to whom section 24(3) relates, the rate in force at the date when the member was retired on the grounds of incapacity as mentioned in that subsection.

**“final average salary”** means—

- (a) in relation to a contributor who on or after the passing of the *Superannuation Acts Amendment Act 1984* attains the age for retirement or earlier retires from employment as a member otherwise than by retiring or being retired on grounds of incapacity and who has received 1 or more increases in salary by reason of 1 or more promotions received by the contributor after the passing of that Act and during the 2 years immediately preceding the contributor attaining the age for retirement or the contributor’s earlier retirement—the final average salary ascertained in accordance with section 281; and
- (b) in relation to any other contributor—the average fortnightly salary received by the contributor during the year immediately preceding the contributor attaining the age for retirement or the contributor’s

*Superannuation (State Public Sector) Deed 1990*

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earlier retirement from or death in employment as a member.

**“incapacity”** means any mental or bodily infirmity by reason whereof a member is unfit to discharge or incapable of discharging the duties of the member’s office efficiently.

**“incapacity pension”** means a pension that is payable under this chapter to a contributor who before attaining the age for retirement is retired or permitted to retire on the grounds of incapacity not due to wilful action on the part of such person for the obtaining of such pension.

**“member”** means—

- (a) a police 74 member; or
- (b) a person, or a member of a class of person, declared, under a notice under section 13 of the Act, to be eligible for membership of the scheme in the police 74 category.

**“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.

**“pensioner”** means a person who is entitled to a pension under this chapter and includes a person who, but for an election under section 312, would be entitled to such a pension.

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

**“relict’s pension”** means a pension payable under part 3, division 3.

**“retired”** in relation to employment as a member, means retired or required to retire from that employment by the Governor in Council or the commissioner of the police service.

**“salary”** means the rate of payment made by way of fixed remuneration to

*Superannuation (State Public Sector) Deed 1990*

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a member and does not include any sum paid by way of fee or allowance.

**“service”** means any period during which a person contributes, whether before or after the commencement of the 1974 Act, to the fund under this chapter, chapter 6 or any Act repealed by the 1968 Act, and includes any period in respect of which the person is or was required to contribute thereto and before the first of the person’s contribution is or was paid to the fund.

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

- (a) where a person having been retired or permitted to retire from the person’s employment as a member and having been in receipt of an incapacity pension under this chapter or incapacity benefit under chapter 6 or incapacity allowance preserved and continued by chapter 6, again becomes a member—the period during which the person was so absent shall be deemed to comprise part of the person’s service; and
- (b) where a person has received a refund of the person’s contribution to the fund whether under this chapter or, in relation to annuity benefit, under chapter 6 and has subsequently recommenced contributing to the fund—the person’s employment before the date on which the person recommenced shall be deemed not to comprise part of the person’s service.

(3) For the purpose of ascertaining the final average salary of a person who is a pensioner or has died in service as a member the salary received by that person during the period of 1 year immediately preceding the person attaining the age for retirement or the person’s earlier retirement from or death in service shall include any increase in salary of a rank held by the person at any time during that period.

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

(5) For the purposes of subsection (1), definition **“final average increase in salary”**, a reference to the period of a year immediately

preceding the person attaining the age for retirement or the person's earlier retirement from or death in service shall be a reference to a period after the commencement of the 1974 Act and shall in the case of a continuing contributor whose length of service after the commencement of the 1974 Act at the time of the person's retirement or death is less than 1 year, be read as a reference to the person's actual period of service after the said commencement.

(6) A reference in this chapter 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.

(7) Where at any time during the period of 1 year immediately preceding the time of the person attaining the age for retirement or the person's earlier retirement from or death in service a contributor has been absent on secondment to employment other than as a member or absent from duty on less than full pay, the person's final average salary or the person's final average increase in salary shall be calculated as if the person continued to receive his or her full pay as a member during the whole of that period.

(8) Notwithstanding any other provision of this chapter; where the employment of a contributor as a member ceases at any time after the contributor has attained an age that is within 5 years immediately preceding the day on which the person would attain the age for retirement otherwise than by reason of the person's death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this chapter, the contributor shall be deemed to have elected to retire at the time when the employment ceased.

### **Ascertainment of certain final average salaries**

**281.(1)** Where a contributor, on or after the passing of the *Superannuation Acts Amendment Act 1984*, retires from employment as a member otherwise than by retiring or being retired on the ground of incapacity and has received t increase(s) in salary (where t is a positive whole number) by reason of t promotion(s) received by the contributor on or after the passing of that Act and during the 2 years immediately preceding the contributor attaining the age for retirement or the contributor's earlier retirement, the contributor's final average salary shall be ascertained

in accordance with the formula—

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

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

(2) In subsection (1)—

“A” means the contributor’s final average salary had the contributor not received any increases in salary by way of promotion(s).

“B<sub>t</sub>” means the contributor’s final average salary had the contributor held the t<sup>th</sup> promotion for the period of 1 year immediately preceding the contributor attaining the age for retirement or the contributor’s earlier retirement from employment as a member.

“FAS<sub>t</sub>” means the final average salary after t promotion(s) to be ascertained.

“n” means the number of whole months from the date on which the contributor received the t<sup>th</sup> promotion until the day immediately preceding the day the contributor attained the age for retirement or the contributor’s earlier retirement from employment as a member.

## PART 2—CONTRIBUTIONS

### Obligation of members to contribute to the fund and consolidated fund

282.(1) A member must contribute to the fund under this part.

(2) If a member (being so required) has not been medically examined in accordance with section 316 within 6 months after becoming a member who is required under this chapter to contribute to the fund or such extended time as the board may in special circumstances allow, the member shall be entitled to no benefits under this chapter other than the payment of a sum of money equal to the amount of the member’s contributions thereunder to the fund.

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

(4) If for any reason a contributor referred to in subsection (3) becomes entitled to an increase in salary whilst the contributor is absent from duty as hereinbefore referred to, the contributor's obligation to contribute to the fund shall be to contribute at a rate calculated by reference to the salary as so increased.

(5) Where absence from duty referred to in subsections (3) and (4), other than sick leave of absence without pay, is for a continuous period of 14 days or more (whether or not working days) the contributor shall, unless the contributor elects pursuant to subsection (6), in addition to continuing to contribute to the fund as provided by subsections (3) and (4) pay to the consolidated fund for the period, an amount determined by the Treasurer.

(6) A contributor who would be required to pay additional amounts to the consolidated fund under subsection (5) may elect in writing furnished to the board not to pay contributions to the fund in respect of the period of the contributor's absence whereupon—

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

(7) The Governor in Council may waive the requirement under subsection (5) to make additional 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.

**Commencement and cessation of contributions**

**283.(1)** The contributions under this chapter of a member commence from the day the member's salary commences because of his or her appointment as a member.

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

- (a) the member ceases to be a member; or
- (b) the member attains the age for retirement; or
- (c) the member's service as a member, ascertained as prescribed by section 289, equals 42 years and 6 months;

whichever first occurs.

**Time and manner of paying contributions**

**284.(1)** Except as otherwise expressly provided in this chapter, the contributions of a member shall be payable periodically from the member's salary at such intervals and in such manner as may be prescribed and shall be deducted from salary payable to the member accordingly, and, until otherwise prescribed, shall be payable by the member and deducted fortnightly from the member's salary.

**(2)** The deductions shall be made for the first time in each case on the first payday occurring after the contributions in respect of which they are to be made commence, as provided by section 283(1), and the full amount of all deductions so made shall be paid into the fund.

**(3)** A contributor who, pursuant to section 282(3), (4) or (5), is required to pay contributions to the fund and to make additional payments 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 consolidated fund—
  - (i) the total amount of contributions that the contributor is required to pay under this chapter for the period of absence; and
  - (ii) the total amount that the contributor is required to pay pursuant to section 282(5); or

*Superannuation (State Public Sector) Deed 1990*

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- (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 chapter may be reduced by such amounts as are determined by the actuary and approved by the board.

(5) Where a contributor—

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

the board, on the application of the contributor, may permit the contributor to defer his or her contributions and the payment of any amount required by section 282(3), (4) and (5) to be paid by the contributor for such period as the board may approve, subject to such conditions as to the future payment of the contributor's contributions and other such amount as the board may impose (including conditions as to the payment of interest, at such rate (if any) as is determined by the board, on the contributions and other such amount so deferred) but save as permitted by the board pursuant to this subsection, the contributor shall contribute and otherwise make payment to the fund at the times and in the manner prescribed.

(6) Any amount of the contributions and other payments prescribed by this chapter or chapter 6 to be made by a contributor not paid by deduction from the contributor's salary as prescribed by subsections (1) and (2) shall, subject to subsection (5), be paid in such manner as the executive officer directs and, if directed by the executive officer, may be deducted from the contributor's salary in addition to the deductions from the contributor's salary as prescribed by subsections (1) and (2) but the board may waive payment thereof wholly or in part.



*Superannuation (State Public Sector) Deed 1990*

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

(8) For the purposes of subsections (6) and (7), an amount of unpaid contribution or other payment includes interest on the amount calculated at the rate at which earnings would have accrued to the fund had the amount been paid to the fund.

(9) If a contribution or other payment payable by a contributor is unpaid (the **“unpaid amount”**), the board may determine the rights of the contributor to benefits under this chapter.

(10) If the board makes a determination under subsection (9), the board must pay to the contributor an amount equal to the amount of all contributions and other payments payable by the contributor under this chapter to the day of determination (accumulated on and after 27 February 1984 at the applicable rate) less the unpaid amount and interest on the unpaid amount calculated at the rate at which earnings would have accrued to the fund had the amount been paid to the fund.

(11) However, the board may waive the taking into account of interest on the unpaid amount in whole or part.

(12) Except where it is otherwise provided by this chapter, a contributor—

- (a) shall continue to contribute as prescribed to the fund until the contributor attains the age for retirement or the contributor's employment as a member is sooner terminated by earlier retirement, death, resignation or otherwise howsoever;
- (b) shall, in respect of a period of leave of absence, with or without pay, pay contribution, as for a period of service, without reduction.

(13) In subsection (10)—

**“applicable rate”** means—

- (a) in relation to a period starting on or after 27 February 1984 and ending on or before 30 June 1990—5% per year compound; or
- (b) in relation to a period starting on or after 1 July 1990—the net

earning rate of the fund compound.

### **Rates of contribution**

**285.(1)** The amount of the contributions payable by a continuing contributor (other than a member to whom subsection (2) applies) is the prescribed percentage of the amount by which the contributor's applicable current salary exceeds the contributor's applicable initial salary.

**(2)** The amount of the contributions payable by a contributor who became a member on or after the commencement is the prescribed percentage of the contributor's applicable current salary.

**(3)** Contributions payable under subsections (1) and (2) are payable—

- (a) periodically; and
- (b) in addition to any contributions payable to the fund under chapter 6.

**(4)** A member who made an election under section 24(4) of the 1974 Act to increase the rate of his or her contributions must continue to contribute to the fund under this chapter at the rate decided by the board under section 24(4) of the 1974 Act in addition to the rate prescribed by this chapter (other than this subsection).

**(5)** Where by reason that a member becomes a contributor on or after the commencement of the *Police Superannuation Acts Amendment Act 1977* and after the member has attained the age of 20 years, the length of the member's service, ascertained for the purposes of calculating the pension to be paid to the member under this chapter if the member attains the age for retirement, will not amount to 40 years, the member may elect within a period of 2 months after the member becomes a member to increase the rate of the member's contribution and the board may determine that the additional rate over and above the contributions that, but for this subsection, would have been payable by the member shall be a sum calculated at such rate as the board, after consultation with the actuary, may determine, being a rate that, having regard to the fact that payments by the Crown will be in relation only to contributions by the member that would be payable but for this subsection, will enable the length of service for the purpose of calculating the pension to be paid to the member under this chapter to be regarded as the length of service ascertained in accordance with the board's

*Superannuation (State Public Sector) Deed 1990*

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determination under subsection (7) but not exceeding 40 years, and thereupon the member shall be deemed to be required to contribute to the fund at the rate so determined in addition to the rate prescribed by this chapter (other than this subsection).

(6) A member who made an election under section 24(5) of the 1974 Act to increase the rate of his or her contributions must continue to contribute to the fund under this chapter at the rate decided by the board under section 24(5) of the 1974 Act in addition to the rate prescribed by this chapter (other than this subsection).

(7) Where the board has made a determination under subsection (4), (5) or (6) in relation to a member, the board may determine that, for the purpose of calculating the pension to be paid to the member under part 4, the member's length of service as a member shall be regarded as being equal to the member's actual length of service ascertained in accordance with this chapter plus such additional length of service as the board, after consultation with the actuary, may determine and thereupon this chapter shall apply to the member accordingly.

(8) Where the board has made a determination under subsection (4), (5) or (6) upon the election of a member and the contributor satisfies the board that payment of such additional rate of the contribution by the member is causing the member undue hardship, the board may cancel its determination or vary the same by reducing, with the approval of the actuary, the additional rate of contributions to be paid by the contributor.

(9) Where in respect of a contributor the board, pursuant to subsection (8), cancels a determination under subsection (4), (5) or (6), any determination under subsection (7) in respect of additional length of service of the contributor shall likewise be cancelled and cease to apply to or in respect of the contributor and the board shall make to the contributor a refund of such part of the contributor's contributions to the fund pursuant to subsection (4), (5) or (6) as the actuary determines is justified having regard to the reduced liability of the fund.

(10) Where in respect of a contributor the board pursuant to subsection (8) varies a determination under subsection (4), (5) or (6), it shall make an appropriate variation of its consequential determination under subsection (7) of additional length of service in respect of the contributor and this chapter shall apply as if the determinations as so varied were at all relevant times the determinations originally made on the election of the

*Superannuation (State Public Sector) Deed 1990*

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contributor and the board shall make to the contributor a refund of such part of the contributor's contributions pursuant to subsections (4), (5) or (6) as the actuary determines is justified having regard to the reduced liability of the fund.

(11) Despite subsections (1) and (2), if the salary of a contributor is reduced, the contributor shall thereupon contribute to the fund in relation to the reduced rate of the contributor's salary and the board shall make to the contributor a refund of such part of the contributor's contributions to the fund as the actuary determines is justified having regard to the reduced liability of the fund, by reason of the reduction in salary, in respect of the prospective entitlement of the officer to benefits under this chapter and thereupon for the purpose of calculating the contributor's entitlement to benefits under this chapter the contributor's rate of salary in respect of any period before the time the contributor's salary was reduced shall be deemed not to have been in excess of the rate to which the contributor's salary was so reduced.

(12) Where a contributor has paid to the fund contributions in excess of those prescribed by this chapter, 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.

(13) In this section—

**“applicable current salary”**, of a contributor, means the contributor's applicable starting salary varied, in the first full fortnightly pay period in November of each year (the **“adjustment year”**), to the contributor's salary at 1 October in the adjustment year if the contributor was a contributor on that day.

**“applicable initial salary”**, of a contributor, means the contributor's salary at the commencement.

**“applicable starting salary”**, of a contributor, means the contributor's salary at—

- (a) 30 June 1993; or
- (b) if the contributor starts to contribute under this chapter after 30 June 1993—the day on which the contributor starts to contribute.

**“commencement”** means the commencement of the 1974 Act.

**“prescribed percentage”** means the percentage prescribed under section 287(4).

### **Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3**

**286.(1)** This section applies to a female member who made an election under section 24A of the 1974 Act and became entitled to increase the rate of her contribution to the fund sufficient to secure for her the benefits provided for by part 4, divisions 2 and 3 of the 1974 Act.

(2) The additional rate of contribution payable by the member continues to be the rate decided by the board under section 24A(3) of the 1974 Act.

(3) If in relation to a contributor by whom an additional rate of contribution is payable pursuant to this section the board makes a determination under section 285(8) that cancels or varies a board’s determination made under section 285(4), (5) or (6) in relation to that contributor, the additional rate of contribution payable by the contributor pursuant to this section shall be adjusted having regard to that cancellation or variation, the ascertainment of the contributor’s length of service for the purposes of this section shall be adjusted accordingly and the board shall make to the contributor a refund of such part of her contributions to the fund pursuant to this section as the actuary determines is justified, having regard to the reduced liability of the fund.

### **Further provisions re contributions**

**287.(1)** In this part—

**“salary”**, in relation to a member, means—

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

(2) The fortnightly, or other periodic, salary of a member who is paid salary at a rate other than a fortnightly rate or, as the case may be, other periodic rate shall be ascertained as prescribed and different such

prescriptions may be made in respect of the members included in different classes of members.

(3) If the salary of a contributor is varied, then, for the purpose of calculating under section 285 the amount of contribution payable by the contributor, the salary as varied is the contributor's salary on and from the day the variation takes or took effect.

(4) For the purposes of section 285 the prescribed percentage shall be—

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

(i) who has attained the age of 20 years but has not attained the age of 25 years at the said time—6%; and

(ii) who has attained the age of 25 years but has not attained the age of 35 years at the said time—6.5%; and

(iii) who has attained the age of 35 years at the said time—7%; and

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

(i) who has attained the age of 20 years but has not attained the age of 25 years at the said time—5%;

(ii) who has attained the age of 25 years but has not attained the age of 35 years at the said time—5.5%;

(iii) who has attained the age of 35 years at the said time—6%.

(5) For section 285, the prescribed time is 2 months after a member becomes a contributor.

## **PART 3—BENEFITS AND PAYMENTS**

### *Division 1—Benefits transferred to preservation account*

**Preservation account**

**288.** If a benefit is payable under this chapter to a member, other than by way of a pension, the board must credit the member's voluntary preservation account with the amount of the benefit.

*Division 2—Contributors' pensions and other benefits***Calculation of service**

**289.** For the purpose of calculating the pension to be paid to a contributor under this division—

- (a) any service as a member, before attaining the age of 20 years shall be disregarded in ascertaining the contributor's length of service;
- (b) if, under paragraph (a), the contributor's length of service as a member is more than 40 years—the contributor's length of service is taken to be 40 years;
- (c) where the contributor is a person in relation to whom a determination has been made by the board under section 285(7)—the contributor's length of service shall, unless otherwise expressly provided by this chapter, be deemed to be the length of the contributor's service ascertained in accordance with the board's determination;
- (d) any reduction in benefits determined by the actuary and approved by the board in respect of contributors to whom sections 282(6) and 284(3) apply shall be taken into account.

**Rights of contributors**

**290.(1)** Where a contributor (other than a continuing contributor)—

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

*Superannuation (State Public Sector) Deed 1990*

- (c) 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;

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

(2) Before a contributor is entitled to a pension in accordance with subsection (1)(b) the contributor is to satisfy the board that the incapacity is such as to render that contributor permanently unfit to discharge efficiently or permanently incapable of discharging efficiently the duties of that contributor's office

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

$$P = \frac{K}{100} \times A \left( \frac{3B}{160} + \frac{F}{62.5} \right).$$

(4) In subsection (3)—

“A” means the final average salary of the contributor.

“B” means the contributor's length of service, expressed in years, accumulated before 1 July 1988.

“F” means the contributor's length of service, expressed in years, accumulated on and from 1 July 1988 or, in the case of a contributor who becomes entitled to an incapacity pension, that would have been accumulated on and from that date had the contributor continued in service until the contributor attained the age for retirement.

“K” means 85 + 3 (age at retirement in years and complete months – 55).

“P” means the fortnightly amount of that pension.

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

(6) Where a contributor to whom subsection (1) relates (not being a contributor who has made an election under section 285(4) the determination in relation to which has not been cancelled by the board pursuant to section 285(8)), after attaining the age for retirement, continues



*Superannuation (State Public Sector) Deed 1990*

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to be a member the contributor is entitled—

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

(7) Where a contributor to whom subsection (1) relates who has made an election under section 285(4) the determination in relation to which has not been cancelled by the board pursuant to section 285(8) of that section, continues after attaining the age for retirement, to be a member the contributor is entitled—

- (a) on attaining the age for retirement—
  - (i) to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if section 285(4) had not been enacted and the contributor had retired on attaining the age for retirement; and
  - (ii) to a pension determined by the board upon the advice of the actuary being a pension based upon the additional contributions made by the officer under section 285(4); and
- (b) on retiring or being retired from employment as a member to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement.

(8) A member who—

- (a) becomes a contributor after the commencement of the *Police Superannuation Acts Amendment Act 1979*; and
- (b) makes an election under section 285(5); and
- (c) elects to retire in accordance with subsection (1)(c);

*Superannuation (State Public Sector) Deed 1990*

is entitled to a pension in respect of the additional service determined under section 285(7), calculated in accordance with the formula—

$$P = A \left( \frac{K}{100} \times \frac{N \times 3}{160} \times \frac{M - C}{60 - C} \right)$$

if the member became a contributor before 1 July 1988 or in accordance with the formula—

$$P = A \left( \frac{K}{100} \times \frac{N}{62.5} \times \frac{M - C}{60 - C} \right)$$

if the member became a contributor on or after 1 July 1988, in addition to the pension to which the contributor would have been entitled if the contributor had not made the election.

(9) In subsection (8)—

“A” means the final average salary of the contributor.

“C” means the age (expressed in years and complete months) of the contributor at the date the contributor commences to be a contributor.

“K” means 85 + 3 (age at retirement in years and complete months – 55).

“M” means the age (expressed in years and complete months) of the contributor at the date of retirement.

“N” means the additional length of service determined by the board under section 285(7).

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

(10) Where a contributor to whom subsection (1) relates who has made an election under section 285(5) the determination in relation to which has not been cancelled by the board pursuant to section 285(8) continues, after attaining the age for retirement, to be a member, the contributor is entitled—

(a) on attaining the age for retirement—

(i) to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if section 285(5) had not been enacted and the contributor had retired on attaining the age for retirement; and

(ii) to a pension determined by the board upon the advice of the

*Superannuation (State Public Sector) Deed 1990*

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actuary being a pension based upon the additional contributions made by the member under section 285(5); and

- (b) on retiring or being retired from employment as a member to an increase in the pension payable under paragraph (a)(i), which shall then become payable at the rate of pension to which the contributor would have been entitled under this section if section 285(5) had not been enacted and the contributor had retired on attaining the age for retirement.

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

### **Rights of continuing contributors**

**291.(1)** Where a continuing contributor—

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

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

(2) Except as otherwise expressly provided in this section, the pension to be paid to a contributor to whom subsection (1) relates, in addition to the benefits to which the contributor may be entitled under chapter 6, is a fortnightly sum calculated in accordance with the formula—

$$P = \frac{K}{100} \times A \left( \frac{3B}{160} + \frac{F}{62.5} \right).$$

(3) In subsection (2)—

“A” means the final average increase in salary of the contributor.

*Superannuation (State Public Sector) Deed 1990*

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“**B**” means the contributor’s length of service, expressed in years, accumulated before 1 July 1988.

“**F**” means the contributor’s length of service, expressed in years, accumulated on and from 1 July 1988 or, in the case of a contributor who becomes entitled to an incapacity pension, that would have been accumulated on and from that date had the contributor continued in service until the contributor attained the age of retirement.

“**K**” means  $85 + 3$  (age at retirement in years and complete months – 55).

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

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

(5) Where a continuing contributor, after attaining the age for retirement, continues in employment as a member, the contributor is entitled, in addition to any benefits to which the contributor may be entitled under chapter 6—

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

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

### **Construction of pension benefit formula in certain cases and transfer of funds**

**292.(1)** Sections 290 and 291 apply subject to this section.

(2) In the case of—

- (a) a contributor who, before attaining the contributor's age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on the contributor's part for the obtaining of any benefit under this chapter;

the formula prescribed by any provision of section 290 or 291 shall be read and construed as if the formula had not been amended by section 26 or 27, as the case may be, of the *Superannuation Acts Amendment Act 1988*.

(3) Where a benefit is paid to a contributor referred to in subsection (2) or a benefit is paid under section 294 in respect of a contributor, the amount standing to the credit of the fund established under the *Superannuation (Government and Other Employees) Act 1988* on account of such sums as are required to be paid under section 15 of that Act as at the date of commencement of section 6.4 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991* in respect of the contributor shall be transferred to the fund and the consolidated fund in the proportion 2:5.

### **Minimum benefit payable**

**293.(1)** A person who ceases to be a contributor is entitled to the minimum benefit (if any) determined by the actuary.

(2) If the person is also entitled to benefits under chapter 3, the minimum benefit is to be determined taking into account the person's benefits under that chapter.

(3) The minimum benefit must be transferred to the person's account under chapter 3.

(4) Subsection (1) applies despite any other provision of this chapter.

(5) In this section—

**“minimum benefit”** means the amount of payment, pension or preserved benefit entitlement that is determined to avoid payment of the superannuation guarantee charge.

**“superannuation guarantee charge”** means the charge imposed by the *Superannuation Guarantee Charge Act 1992* (Cwlth).

**Division 3—Benefits upon contributor's death****Entitlement to benefit**

**294.(1)** Subject to subsections (3) and (4), in respect of—

- (a) a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*; or
- (b) a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 286; or
- (c) a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;

a relict of the contributor or, except in a case to which section 296(3)(b) applies, if there be no relict, the legal personal representative of the contributor or other person approved by the board is entitled to the payment of an amount calculated—

- (d) if the contributor was under 55—in accordance with the formula—

$$A = B \times C \times \frac{(D - 5)}{D} ; \text{ or}$$

- (e) if the contributor was 55 or more—in accordance with the formula—

$$A = B \times C \times \frac{(D - E)}{D} .$$

**(2)** In subsection (1)(d)—

“**A**” means the amount payable.

“**B**” means the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death.

“**C**” means the factor set out in schedule 26 opposite the age in years of the contributor as at the date of his or her death.

*Superannuation (State Public Sector) Deed 1990*

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“**D**” means the length of service of the contributor, expressed in years, ascertained as prescribed by section 289 as if he or she had retired and become eligible for an incapacity pension immediately before his or her death.

(3) In subsection (1)(e)—

“**A**” means the amount payable.

“**B**” means the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death.

“**C**” means the factor set out in schedule 27 opposite the age in years and complete months of the contributor as at the date of his or her death.

“**D**” means the length of service of the contributor, expressed in years, ascertained as prescribed by section 289, as if he or she had retired and become eligible for an incapacity pension immediately before his or her death.

“**E**” means the difference between the contributor’s age in years and complete months as at the date of his or her death and the age for retirement of that contributor.

(4) Subject to subsection (7), a relict of—

- (a) a male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*; or
- (b) a male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled or, but for the operation of section 309, would have been entitled to a pension from the fund; or
- (c) a female pensioner who—
  - (i) became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
  - (ii) became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 286;

*Superannuation (State Public Sector) Deed 1990*

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and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled or, but for the operation of section 309, would have been entitled to a pension from the fund;

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

$$A = B \times C.$$

(5) In subsection (4)—

“A” means the amount payable.

“B” means the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 309, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 312, would have been entitled immediately before his or her death if the contributor had not made the election and where the spouse was a member who had not retired as if the spouse had retired.

“C” means the factor set forth in schedule 28 opposite the age at nearest birthday of the relict as at the date of the spouse’s death.

(6) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a male continuing contributor immediately before he or she finally ceased to contribute to the fund the entitlement to an amount under this section is in addition to the benefits (if any) derived through the contributor or pensioner under chapter 6.

(7) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a female continuing contributor who had increased the rate of her contribution to the fund pursuant to section 286 an amount shall be payable to the relict or other person entitled to an amount under this section (other than this subsection) determined by the actuary and approved by the board in lieu of the amount prescribed by subsection (1) or (4).

(8) In this section—



“**relict**” means a relict of a contributor or pensioner who dies on or after the commencement of section 40 of the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985*.

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

(10) In subsection (4)(a)—

“**pensioner**” does not include a person who was retired or permitted to retire on the grounds of incapacity and has made an election under section 312.

### **Relicts’ right to substitute pension for entitlement**

**295.(1)** Subject to this section, a relict entitled to the payment of an amount pursuant to section 294 may elect not to receive that amount or a part of that amount and to receive in lieu a relict’s pension on and from the date following the day of his or her spouse’s death calculated in accordance with the formula—

$$\mathbf{P = B \times C \times .667.}$$

(2) In subsection (1)—

“**B**” means—

- (a) in the case of a relict of a contributor—the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death; or
- (b) in the case of a relict of a pensioner—the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 309, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 312, would have been entitled immediately before his or her death if he or she had not made the

*Superannuation (State Public Sector) Deed 1990*

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election and, where the spouse was a member who had not retired, as if the spouse had retired.

“**C**” means a fraction that is the equivalent of the percentage of the amount of entitlement in respect of which the relict desires to substitute a relict’s pension.

“**P**” means the fortnightly amount of relict’s pension.

(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 payment of the amount to the relict arises; and
- (c) shall specify the percentage of the amount of entitlement in respect of which the applicant desires to substitute a relict’s pension.

(4) This section does not apply to the relict of—

- (a) a person who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) a female who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 286;

unless in the board’s opinion the relict was wholly financially dependent upon the deceased person immediately before his or her death.

(5) For the purposes of subsection (4) a relict shall be taken to be wholly financially dependent notwithstanding that he or she is in receipt of an income that in the board’s opinion is insufficient to maintain for the relict a reasonable standard of living.

(6) A relict’s pension ceases to be payable if the relict remarries.

(7) Where a person who as a relict is entitled to a relict’s pension remarries and—

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

*Superannuation (State Public Sector) Deed 1990*

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

that person shall, subject to subsection (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 he or she had not remarried.

(8) A relict who having remarried again becomes widowed shall not be entitled to a pension pursuant to subsection (7) if an amount becomes payable to the relict under section 294 in the event of his or her so becoming widowed unless the relict elects as prescribed to forgo entitlement to that amount and, in the case of a widowed female, to any benefit to which she is entitled pursuant to section 239 of chapter 6 in the event of her so becoming widowed.

(9) An election under subsection (8)—

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

(10) Where the contributor or pensioner through whom entitlement to an amount is derived under section 294 is or was a female continuing contributor who had increased the rate of her contribution to the fund pursuant to section 286, a relict's pension shall be payable to the relict where the relict elects as prescribed by subsection (3) at a rate determined by the actuary and approved by the board in lieu of the rate prescribed by subsection (1).

***Division 4—Children's pensions***

**Child's pension—when payable**

**296.(1)** A pension is payable under this chapter in respect of every child to whom this section applies until he or she ceases to be a child.

(2) This section applies to—

- (a) every child of a deceased male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*;

*Superannuation (State Public Sector) Deed 1990*

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- (b) every child of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 286 where in the opinion of the board the child was wholly dependent on the contributor when she died;
- (c) every child of a deceased female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 286;
- (d) every child of a deceased contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;
- (e) every child of a deceased male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* other than a person retired on account of incapacity who has made an election under section 312;
- (f) every child of a deceased male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled to or, but for the operation of section 309, would have been entitled to a pension from the fund;
- (g) every child of a deceased female pensioner who—
  - (i) became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
  - (ii) became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 286;and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled to or, but for the operation of section 309, would have been entitled to a pension from the fund;
- (h) every child of a deceased female pensioner who became a contributor before the passing of the *Superannuation Acts*

*Superannuation (State Public Sector) Deed 1990*

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*Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 286 and who—

- (i) being other than a person retired on account of incapacity who has made an election under section 312, retired before the passing of the *Superannuation Acts Amendment Act 1984*; or
- (ii) retired after the passing of the *Superannuation Acts Amendment Act 1984* and at the date of her death was entitled to or, but for the operation of section 309, would have been entitled to a pension from the fund;

where in the opinion of the board the child was wholly dependent on the pensioner when she died;

- (i) every child of a deceased or divorced spouse of a person who when he or she died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child to whom this chapter does not apply;
- (j) every child of the relict of a person who when he or she died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child to whom this chapter does not apply.

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

- (a) where the relict of the person through whom the pension is derived under subsection (2) is living—at the rate of \$50 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 300 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—at a rate equal to a percentage in accordance with the following table of—
  - (i) in the case of a child of a contributor who dies before attaining the age for retirement—the pension that would have been payable to the contributor if the contributor had retired and become eligible for an incapacity pension immediately before the contributor's death;
  - (ii) in the case of a child of a contributor who has continued in

*Superannuation (State Public Sector) Deed 1990*

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the contributor’s employment as a member after attaining the age for retirement—the pension that would have been payable to the contributor immediately before the contributor’s death if the contributor had retired on attaining the age for retirement;

- (iii) in the case of a child of a person who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 312—the pension that would have been payable to that person immediately before the contributor’s death if the contributor had not made the election, and, in the case of a member who had not retired, as if the contributor had retired;
- (iv) in any other case—the pension payable to the person through whom the entitlement to the child’s pension is derived immediately before his or her death—

**Table**

1 child . . . . .	66.7%
2 or more children . . . . .	100 % divided by the number of children in respect of each child.

(4) However, each child who is entitled to a pension under subsection (3)(b) shall be paid a fortnightly rate of pension so that, when that rate is added to any rate of benefit to which the child is entitled under chapter 6, the total rate payable shall be at least equal to twice the fortnightly rate of pension that the child would have been paid had the child been a case to which subsection (3)(a) applies.

(5) The cases to which the provisions subsections (3) and (4) apply includes the case of a child’s pension payable immediately before the passing of the *Superannuation Acts Amendment Act 1987*.

(6) A child who is entitled under subsection (3)(a) to payment of a child’s pension in respect of him or her shall not be entitled to additional assurance benefits under chapter 6.

(7) Where on or after 1 July 1974 a child becomes entitled to a pension

under any other provision of this section and the person through whom the child derives the entitlement was immediately before the person's death entitled to receive a pension under this chapter or but for an election under section 312 would have been so entitled, the pension to which the child is entitled is a pension calculated in accordance with the formula—

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

(8) In subsection (7)—

“A” means the fortnightly amount of the pension that would have been payable to the child but for subsection (7).

“B” means the fortnightly amount of the pension that was payable under this chapter to the person through whom the child in question derives the entitlement or, in a case where that person had made an election under section 312, or that person was a person to whom section 306 applied, that would have been payable but for the election or the said section 306, immediately before the death of that person.

“C” means the fortnightly amount of the pension (being the pension to which the definition “B” refers) that was payable under division 2 to the person through whom the child derives the entitlement on that person becoming entitled thereto or that would have been so payable but for section 306.

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

(9) Where by reason of the death of a contributor or a pensioner the only entitlement derived through the contributor or pensioner is an entitlement to a child's pension 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 pension payable in respect of the child or, where there are more than 1 child who derive the entitlement, in respect of all of them shall equal at the least the amount that would be payable in respect of 1 child (being a child deriving the entitlement through that contributor or pensioner) 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 the entitlement through that contributor or pensioner) at the date when the entitlement to the pension in question commenced.

(10) Where by reason of the death of a contributor or a pensioner the

only entitlement derived through the contributor or pensioner is an entitlement to a child's pension arising on or after the passing of the *Superannuation Acts Amendment Act 1987* and the amount of pension payable in respect of the child or, where there are more than 1 child who derive the entitlement, in respect of all of them (disregarding for the purpose of calculating that amount any increase in the rate of pension payable since the time when the entitlement arose) is less than the amount that would have been payable under section 294 to the relict of the person through whom the entitlement is derived, had the person left a relict upon the person's 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.

### **Commencement and cessation of children's pensions**

**297.(1)** A child's pension commences on the date of the day following the event by virtue of which it becomes payable as provided in section 296 and ceases to be payable on—

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

whichever first happens.

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

- (a) when the child attains the age of 25 years; or
- (b) when the child ceases to receive, in the opinion of the board, full-time education at a school, college, or university;

whichever first happens.

**(3)** Where—

- (a) a child's pension has ceased pursuant to subsection (1) or (2); and
- (b) no amount has been paid in accordance with section 296(9) or (10); and
- (c) the board is satisfied that the child concerned is receiving full-time



*Superannuation (State Public Sector) Deed 1990*

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education at a school, college or university at any time before the child has attained the age of 25 years;

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

### **Persons to whom a child's pension is payable**

**298.(1)** A child's pension shall be paid to the relict (if any) of the contributor or pensioner in relation to whom it is payable, or, if there is no relict, to the guardian of the child, unless the board in any case otherwise determines.

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

### *Division 5—Refund of contributions*

#### **Refund of contributions**

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

- (a) resigning before turning 55; or
- (b) dismissal; or
- (c) being retired or permitted to retire on the ground of incapacity that is due to wilful action on the contributor's part for the obtaining of any benefit under this chapter;
- (d) termination of employment for incapacity, but the board is not satisfied the incapacity has made the contributor permanently unfit to discharge efficiently or permanently incapable of discharging efficiently the duties of the contributor's office;

the contributor is entitled to be paid from the fund a sum of money equal to the total amount of the contributor's contributions to the fund under this chapter and any additional amounts paid by the contributor under section 282(5) or under section 223(2) of chapter 6 such contributions or

*Superannuation (State Public Sector) Deed 1990*

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payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound, and, subject to subsections (2) and (4) is not entitled to any other benefit under this chapter.

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

- (a) resignation before attaining an age that is 5 years before the age for retirement; or
- (b) termination of employment as a member before attaining an age that is 5 years before the age for retirement, otherwise than for misconduct or because of incapacity; or
- (c) resignation in accordance with arrangements approved by the Governor in Council in relation to contributors of the class of that contributor; or
- (d) non-renewal or termination by the Crown (otherwise than on account of misconduct) of a contract or appointment for a tenure limited by time under the *Police Service Administration Act 1990* and that contributor is not eligible to make, or does not make, an election in accordance with section 5.10 of that Act;

and the contributor has been a contributor for a period of 12 months at the least, the contributor may elect as prescribed not to take from the fund that part of the benefit prescribed by subsection (1) that is attributable to the contributor's contributions to the fund.

(3) An election under subsection (2)—

- (a) is to be in writing furnished to the board; and
- (b) is to be made within 3 months after the date on which the contributor ceases to be a member.

(4) Where an election is duly made under subsection (2), there is to be credited to the fund on account of the elector an amount calculated in accordance with the formula—

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

until, subject to subsection (6)—

*Superannuation (State Public Sector) Deed 1990*

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- (a) the contributor attains the age that is 5 years before the contributor's age for retirement; or
- (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 employee; or
- (c) the contributor, being a person to whom subsections (2)(a) or (2)(b) apply, informs the board in writing that the contributor no longer desires the election to operate; or
- (d) the contributor dies; or
- (e) the contributor, being a person to whom subsections (2)(c) or (2)(d) apply, notifies the board of a desire to be paid the prescribed sum in cash;

whereupon the prescribed amount is to be paid to the contributor or to the contributor's legal personal representative, as the case requires.

**(5)** In subsection (4)—

**“A”** means the amount payable.

**“B”** means the benefit to which the contributor would have been entitled had the contributor accumulated as a contributor length of service, ascertained as prescribed by section 289, to the age expressed as F and had retired upon attaining that age.

**“C”** means the contributor's length of service, expressed in years, after attaining the age of 20 years or becoming a contributor, whichever is later, as at the time the contributor ceases to be a member.

**“D”** means the length of service expressed in years which the contributor would have had after attaining the age of 20 years or becoming a contributor, whichever is later, had the contributor continued as a contributor until attaining the age expressed as F.

**“E”** means the contributor's age expressed in years and complete months at the date on which the contributor ceases to be a member.

**“F”** means the age that is 5 years before the contributor's age for retirement.

**(6)** If a person who has made an election under subsection (2) again becomes a member and elects under this subsection to again become a

*Superannuation (State Public Sector) Deed 1990*

contributor within 3 months of again becoming a member, the prescribed amount shall be applied to the purchase by that person of benefit entitlements—

- (a) in respect of a period of service equal to the period during which the person had contributed to the fund after the person's 20th birthday and before the person made the election; and
- (b) in respect of any additional period of service as determined by the actuary having regard to any of the prescribed amount credited in the fund on the person's account that is attributable to contributions paid in excess of those prescribed by section 287;

as approved by the board, having regard to the rates at which benefits would have accrued to that person had the person not ceased to be a member.

(7) Where a person to whom subsection (6) applies again ceases to be a member in any circumstances prescribed by subsection (2) and does not make an election under that subsection the benefit to which the person shall on that occasion be entitled under subsection (1) in respect of the prescribed amount applied pursuant to subsection (6) shall be such amount as is determined by the actuary and approved by the board, notwithstanding the provisions of subsection (1).

(8) If a person who has made an election under subsection (2)—

- (a) again becomes a member; and
- (b) does not make an election under subsection (6);

the prescribed amount is to be applied in obtaining benefits for the person under the chapter 2.

(9) In subsections (4), (6), (7) and (8)—

**“prescribed amount”** means—

- (a) where the elector, being a person to whom subsection (2)(a) or (2)(b) applies, has informed the board in writing that the person no longer desires the election to operate—the sum which the person would have been entitled to be paid from the fund pursuant to subsection (1) had the person not made the election under subsection (2), less the amount already paid on the person's account from the fund as benefit under subsection (1), together with interest that has accrued since the date on which the

*Superannuation (State Public Sector) Deed 1990*

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elector ceased to be a member and that is properly attributable to that sum less that amount; and

- (b) in any other case—the amount credited in the fund on account of the elector pursuant to subsection (4), together with interest for the period since the date on which the elector ceased to be a member.

**(10)** For the purposes of subsection (9)(a) and (b), 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.

**(11)** In the event of the death, before attaining the age for retirement, of a contributor whose death does not give rise to an entitlement under division 2 or 3 the board shall pay a sum equal to the total amount of the contributor's contributions to the fund under this chapter and any additional amounts paid by the contributor under section 282(5) or under section 223(12) of chapter 6, such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound, to the personal representative of the contributor or, if the board considers it desirable to do so, to such person as the board may determine.

**(12)** For the purposes of subsections (1) and (11), a contributor who, before the commencement of section 33(2E) of the 1974 Act, had made a payment under section 282(5) or the 1968 Act, section 30(1A) to the fund, is taken to have made the payment to the consolidated fund.

**(13)** Where the contributor is a continuing contributor entitlements under this section are in addition to entitlements (if any) of or in relation to the contributor under chapter 6.

***Division 6—Adjustment of pensions***

**Adjustment of pensions**

**300.(1)** In this section—

**“basic rate”** in relation to a pension, means the rate at which the pension was payable under division 1 or 2 or 3 when it came into force.

**“index”** means the all groups consumer price index for Brisbane published by the Australian Statistician.

**“pay-period”** means the period with respect to which the fortnightly or other periodic instalment of pension is payable in pursuance of section 303.

**“year”**, save in subsection (3), means a year commencing on 1 August.

(2) Subject to this section, a pension under this chapter 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 in each year, 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—

- (a) declare the percentage by which pensions 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 (10), no adjustment is to be made in respect of that year, declare that pensions shall not be adjusted in respect of that year.

(5) A percentage declared under 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 pension in respect of any year made under this section shall be made—

- (a) by increasing, or as the case may require by decreasing, the rate at which immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that

*Superannuation (State Public Sector) Deed 1990*

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.

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

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

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

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

(9) In subsection (8)—

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

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

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

(10) Except as provided in subsection (11), where the percentage specified in a notice under subsection (3) in respect of any year is less than 1 no adjustment of pensions shall be made in respect of that year.

(11) 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), pensions shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate which shall be deemed to be the percentage so specified in respect of that year.

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

(13) Where—

- (a) by reason solely of the operation of subsection (12) a pension is being paid at the basic rate; and
- (b) an adjustment, by way of increase, is required to be made to the rate of that pension in respect of any year;

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

### **Variation of entitlement to adjustment**

**301.(1)** Where in the opinion of the board a pensioner would be prejudicially affected by an increase in the pensioner's pension under section 300 the board may determine—

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

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



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

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

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

(5) Unless it is otherwise determined by the board, for the purpose of determining the rate of pension payable under section 294 or 296 all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the pensioner shall be deemed to have been receiving, immediately before the pensioner's death, the amount of pension that would have been payable to the pensioner had no such determination been made.

### *Division 7—General provisions as to pensions*

#### **Duration of pensions**

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

#### **Time and manner of payment of pensions**

**303.** Pensions shall be paid in fortnightly instalments or, if so determined by the board, periodically at other intervals.

#### **Payment to person other than the beneficiary**

**304.** Where in the opinion of the board payment of any pension, refund of contributions or other payment under this chapter 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 and the receipt of that person is a complete discharge to the board for the amount so paid.

**Excess payments**

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

- (a) waive repayment; or
- (b) allow repayment to be made on such terms as the board thinks just;

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

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

**Commencement of benefits**

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

**Proof of continued incapacity**

**307.(1)** Any person who has been retired, by reason of incapacity, from employment as a member, and who is in receipt of incapacity pension, shall, whilst the person continues to be in receipt of incapacity pension, give as prescribed such notifications and certificates relating to the person's continued incapacity as shall be prescribed and submit himself or herself 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 pension until the person remedies the default to its satisfaction.

**Incapacity pensioner restored to health may be recalled to service**

**308.(1)** If, in the opinion of the board, the health of any person who has been retired, by reason of incapacity, from employment as a member, who is in receipt of incapacity pension and who has not attained the age for retirement, has become so restored as to enable the person to perform in the opinion of the board duties as a member, the board shall so inform the commissioner of the police service with a view to employment as a member being found for such person.

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

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

**Incapacity pension may be suspended during employment**

**309.(1)** If at any time it appears to the board that any person who has been retired, by reason of incapacity from employment as a member, and who is in receipt of incapacity pension, engages in—

- (a) any business or occupation on the person's own account; or
- (b) employment (not being employment by virtue whereof the person is a member receiving salary at least equal to the rate referred to in section 308(2));

the board may suspend the incapacity benefit.

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

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

**Contribution by retired incapacity pensioners upon re-employment**

**310.** If a person who has been retired, by reason of incapacity, from employment as a member and who is in receipt of incapacity pension again becomes a member, the period during which the person was retired shall not, for the purposes of this chapter, be deemed to be a break in the continuity of the person's service, and accordingly the member shall be deemed to be a contributor and contributions to the fund shall again become payable by the person in accordance with this chapter.

**Right to prepay contributions**

**311.(1)** The board may permit a contributor to commute wholly or in part any existing contribution under this chapter, 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 who 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 has commuted wholly or in part any contribution under this chapter attributable to any period after the date of his or her retirement, the contributor is, in addition to any pension entitlement under this chapter, entitled to be paid from the fund such sum of money in respect of such contribution as is determined by the actuary and approved by the board.

***Division 8—Conversion of pension entitlement into a lump sum payment***

**Right of contributor to convert the contributor's pension into a lump sum**

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

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

(2) A person who is or was prior to his or her retirement a continuing contributor is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to an incapacity pension under this chapter unless he or she also elects to convert into a lump sum payment the whole of his or her entitlement to incapacity benefit under chapter 6.

(3) A contributor who after the commencement of the 1974 Act makes an election under section 285(4) that has not been cancelled may not make an election under this section in relation to any part of the contributor's pension entitlement under this chapter unless the contributor has contributed in accordance with that subsection for not less than 5 years before such pension entitlement arises or would have been so contributing but for a commutation of contributions pursuant to section 311.

*Superannuation (State Public Sector) Deed 1990*

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(4) Subsection (3) does not apply in relation to a contributor of a description referred to in the subsection who before the passing of the *Superannuation Acts Amendment Act 1984* was retired or permitted to retire on the ground of incapacity.

(5) An election under this section—

(a) shall—

(i) where the contributor retires after an election under section 290(1)(c) or 291(1)(c)—be made before the expiration of a period of 1 month after the contributor's retirement; and

(ii) where the contributor retires on or after attaining the age for retirement—be made before the expiration of a period of 1 month after the contributor attains the age for retirement; and

(b) shall in the case of a person who is entitled to payment of an incapacity pension, be made before the expiration of a period of 6 months after the date on which the entitlement to the pension arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire and shall be effective only if, in the board's opinion, the elector is medically competent to make the election; and

(c) shall be made by notice in writing given to the board ("**the contributor's notice of election**").

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

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

(a) the contributor shall be paid from the fund—

(i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the

*Superannuation (State Public Sector) Deed 1990*

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*Superannuation Acts Amendment Act 1984*—a sum equal to that specified percentage of the amount of the contributor's fortnightly pension entitlement under this chapter multiplied by the factor set forth in schedule 23, part 1, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 23, part 1, column 1;

- (ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to that specified percentage of the amount of her fortnightly pension entitlement under this chapter multiplied by the factor set forth in schedule 23, part 1, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 23, part 1, column 1; and

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

(8) Where a contributor retires from employment as a member on attaining the age for retirement or within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement and duly elects to convert the whole of his or her entitlement to a contributor's pension—

- (a) the contributor shall be paid from the fund—

- (i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to the amount of his or her fortnightly pension entitlement under this chapter multiplied by the factor set forth in schedule 23, part 1, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 23, part 1, column 1;
- (ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to the amount of her fortnightly pension entitlement under this chapter multiplied by the

*Superannuation (State Public Sector) Deed 1990*

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factor set forth in schedule 23, part 2, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 23, part 2, column 1; and

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

(9) Where a contributor (other than one who has made an election under section 285(4) or (5)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (7) or (8), be entitled to be paid from the fund—

- (a) in the case of a contributor who elects to convert a specified percentage (other than 100%) of his or her entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times that specified percentage of two-sevenths of the amount of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement; or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times that specified percentage of two-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement; and
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or



*Superannuation (State Public Sector) Deed 1990*

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- (iv) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

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

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times the amount of two-sevenths of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement; or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times the amount of two-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement; and
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
  - (iv) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of

*Superannuation (State Public Sector) Deed 1990*

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the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

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

(10) Where a contributor (being a contributor who has made an election under section 285(4)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (7) or (8), be entitled to be paid from the fund—

- (a) in the case of a contributor who elects to convert a specified percentage (other than 100%) of his or her entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 290(7)(a)(i); or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 290(7)(a)(i);
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 290(7)(a)(ii); or
  - (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 290(7)(a)(ii); and

*Superannuation (State Public Sector) Deed 1990*

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- (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 285(4) had not been enacted and that specified percentage of 65% of the pension attributable to section 285(4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 285(4) had not been enacted and that specified percentage of 65% of the pension attributable to section 285(4) that would have been payable if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

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

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 290(7)(a)(i); or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act*

*Superannuation (State Public Sector) Deed 1990*

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1984—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 290(7)(a)(i);

- (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 290(7)(a)(ii); or
- (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 290(7)(a)(ii); and
- (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 285(4) had not been enacted and 65% of the pension attributable to section 285(4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 285(4) had not been enacted and 65% of the pension attributable to section 285(4) that would have been payable if she had retired on attaining the age for retirement, multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

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

**(11)** Where a contributor (being a contributor who has made an election

*Superannuation (State Public Sector) Deed 1990*

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under section 285(5)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (7) or (8), be entitled to be paid from the fund—

- (a) in the case of a contributor who elects to convert a specified percentage (other than 100%) of his or her entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 290(10)(a)(i);
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 290(10)(a)(i);
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 290(10)(a)(ii); or
  - (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 290(10)(a)(ii); and
  - (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 285(5) had not been enacted multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is

*Superannuation (State Public Sector) Deed 1990*

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retired; or

- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 285(5) had not been enacted, multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

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

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
  - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 290(10)(a)(i); or
  - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 290(10)(a)(i);
  - (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 290(7)(a)(ii); or
  - (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 290(10)(a)(ii); and
  - (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired

*Superannuation (State Public Sector) Deed 1990*

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from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this chapter if he or she had retired on attaining the age for retirement and section 285(5) had not been enacted, multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or

- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this chapter if she had retired on attaining the age for retirement and section 285(5) had not been enacted, multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

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

**(12)** Where a contributor becomes entitled to an incapacity pension on or after the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the fund the sum equal to the amount that would have been payable from the fund—

- (a) had the contributor died on the date of his or her retirement from employment as a member on the grounds of incapacity; and
- (b) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 286—had the contributor increased the rate of her contribution to the fund pursuant to that section;

less the amount of pension that he or she has been paid in respect of the period subsequent to the date of his or her retirement to the exclusion of any other entitlement he or she might otherwise have had under this section and his or her entitlement to an incapacity pension under this chapter thereupon ceases.

**Endowment benefit in lieu of relict's pension**

**313.** A male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who on or after the passing of that Act attains the age for retirement or retires within the period of 5 years immediately preceding the day on which he would attain that age and duly elects under section 312 otherwise than in respect of an incapacity pension, is entitled, in addition to the benefits prescribed by that section, to an amount determined by the actuary and approved by the board having regard to the period for which the contributor contributed to the fund before the commencement of that Act.

**PART 4—FINANCIAL PROVISIONS****Amount of contribution by the Crown**

**314.(1)** The Treasurer shall pay into the fund the amount the actuary certifies from time to time to be necessary in order to make proper provision (not taking into account any provision derived from contributors) for payment out of the fund of—

- (a) five-sevenths; or
- (b) such other proportion as the Treasurer, having regard to any recommendation of the actuary under chapter 1, part 3, section 19(2)(e), may determine;

of all benefits and other payments provided for in this chapter (not being a payment made by way of a refund of contributions, or any payment of contributor's pension to a contributor whilst the contributor remains a member after attaining the age for retirement).

**(2)** Notwithstanding the provisions of subsection (1), the contribution payable by the Treasurer under this section in respect of such part of any amount that would not have been payable but for section 285(4) shall be 65% of such part.

**(3)** Notwithstanding the provisions of subsection (1), the contribution payable by the Treasurer under this section shall not include such part of any payment that would not have been payable but for section 285(5).



(4) Despite subsection (1), the Treasurer must pay to the fund the amount of each payment made out of the fund under section 299(1) or (11) that is a refund of additional payments made by a contributor under—

- (a) section 282(5); or
- (b) section 223(2) of chapter 6.

## PART 5—MISCELLANEOUS

### When fund charged with defalcations by contributors

**315.** If any contributor ceases employment as a member by reason of—

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

the amount—

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

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

### Medical examinations

**316.(1)** Every person who on or after the commencement of the 1974 Act becomes a member and every member mentioned in section 3 of the 1974 Act shall, if the person is so required by the board, be medically examined by a medical practitioner before being accepted as a contributor.

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

(3) Notwithstanding anything to the contrary contained in this chapter and subject to section 307, where any person, member or contributor is required by or under this chapter—

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

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

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

### **Calculation of benefits based on contributions of members**

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

(2) Where such a provision relates to a contributor who has retired and has been re-employed, the contributions shall, subject to the express

provisions of this chapter, be calculated only from the date of the last re-employment of the contributor.

### **No interest on certain payments**

**318.(1)** Interest is payable on a lump sum payment made out of the fund only if—

- (a) the payment of interest on the payment is authorised by this chapter; or
- (b) the board determines that interest is payable on the payment.

**(2)** If the board makes a determination under subsection (1)(b), the board must also determine the rate of interest.

## **PART 6—SAVINGS AND TRANSITIONAL**

### **Application of ch 6**

**319.(1)** Subject to subsection (3), no person shall be entitled or required or permitted to contribute for units of benefits under chapter 6 other than—

- (a) the units of benefits for which the person was contributing immediately before the commencement of the 1974 Act; and
- (b) units of benefits for which the person was before the commencement of the 1974 Act required to contribute to the fund by reason of an increase of the person's salary but for which on the said commencement the person had not commenced to contribute; and
- (c) units of benefits in respect of which, being thereunto authorised or entitled under the 1968 Act before the commencement of the 1974 Act, the person makes or has made an election (whether before or after the commencement of the 1974 Act) within the time prescribed therefor by the 1968 Act or, where no time is so prescribed, before the said commencement but for which on the said commencement the person had not commenced to

contribute.

(2) Nothing in this section precludes the board from exercising its powers and functions under chapter 6 in relation to contribution by a member for units of benefits under chapter 6 to which subsection (1)(b) or (c) or subsection (3) relates.

(3) At any time before the expiration of a period of 6 months commencing on the commencement of the 1974 Act, a continuing contributor may make any election under and in accordance with section 26 of the 1968 Act that the contributing contributor was eligible to make immediately before the commencement of the 1974 Act and subject to the said section the contributing contributor may increase his or her contribution to the fund accordingly.

(4) Where the time prescribed by the 1968 Act not later than which a member may make an election under section 24 thereof in respect of units of benefits expired on the day immediately before the commencement of the 1974 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 (3).

(5) The obligation to contribute to the fund under chapter 6 by a continuing contributor shall be in respect of—

- (a) the units of benefits and other benefits for which the contributor was contributing under the 1968 Act immediately before the commencement of the 1974 Act; and
- (b) units of benefits referred to in subsection (1)(b) or (c) for which the contributor commences to contribute under chapter 6 after the commencement of the 1974 Act; and
- (c) the units of benefits under chapter 6 in respect whereof the contributor increases his or her contribution to the fund pursuant to subsection (3);

and, subject to chapter 6, is at the rates of contribution prescribed by the 1968 Act immediately before the commencement of the 1974 Act.

## **CHAPTER 8—FIRE MEMBERS**

## PART 1—PRELIMINARY

### Application

**320.** This chapter applies to fire members.

### Definitions for ch 8

**321.** In this chapter—

**“authority”** means the Queensland Fire and Rescue Authority established under the *Fire and Rescue Authority Act 1990*.

**“chief commissioner”** means the chief commissioner for the authority.

**“commencement”** means the commencement of the *Superannuation and Other Legislation Amendment Act 1997*, part 3.<sup>4</sup>

**“discontinued scheme”** means the superannuation scheme operated under the *Fire and Rescue Authority Act 1990* immediately before the commencement.

**“preserved amount”**, for a member, means the following amounts—

- (a) an amount that, immediately before the commencement, was a preserved amount for the member under the rules of the discontinued scheme;
- (b) contributions accepted by the board for the member under sections 322 and 323(b) and (c);
- (c) an amount received by the board under section 10.1 that the board has undertaken to pay only if a preservation cashing condition happens in relation to the member;
- (d) interest paid under section 327 on a preserved amount.

**“preservation cashing condition”** means an event mentioned in section 328(1)(a) to (f).

**“unclaimed benefit”** means an unclaimed benefit under section 23 of the

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<sup>4</sup> That part contained amendments of the *Fire and Rescue Authority Act 1990*, including the omission of the provisions under which the discontinued scheme was operated.

Act.

## **PART 2—MEMBERSHIP AND CONTRIBUTIONS**

### *Division 1—Acceptance of contributions*

#### **Commissioner standard contributions**

**322.** The board may accept contributions paid by the chief commissioner for a member if—

- (a) the member is—
  - (i) employed by the authority for at least 10 hours a week; and
  - (ii) less than 70 years old; and
- (b) the contributions are necessary to avoid payment of the superannuation guarantee charge.

#### **Acceptance of contributions—member under 65**

**323.** The board may accept contributions for a member who is under 65 years only in the following circumstances—

- (a) while the member is employed for at least 10 hours a week;
- (b) for up to 2 years after the member ceases to be employed for at least 10 hours a week;
- (c) for up to 7 consecutive years while the employed member—
  - (i) is on authorised leave to raise children, of whom the member is a parent, or for whom the member has assumed the responsibility of a parent; and
  - (ii) has a statutory or contractual right to resume employment at the end of the authorised leave.

**Acceptance of contributions—member 65 or over**

**324.** The board may accept contributions for a member who is 65 or more years old only if the member is—

- (a) employed for at least 10 hours a week; and
- (b) less than 70 years old.

***Division 2—Member’s account and interest*****Member’s account**

**325.(1)** The board must keep an account for each member.

**(2)** The following amounts must be credited to the account—

- (a) contributions paid by the chief commissioner and accepted by the board; and
- (b) amounts received under section 26;
- (c) other contributions paid by the member and accepted by the board;
- (d) interest under section 327.

**(3)** The following amounts must be debited from the account—

- (a) benefits paid to, or in relation to, the member;
- (b) administrative fees and charges (including provision for tax).

**Limit on administrative fees**

**326.(1)** This section applies to a member—

- (a) with unclaimed benefits; or
- (b) whose account contains less than \$1 000.

**(2)** The amount of administrative fees and charges debited from the member’s account for a period must not be more than the interest credited to the account for the period.

**(3)** For subsection (2), administrative fees and charges do not include a

provision for tax.

### **Interest**

**327.** The board must, from time to time—

- (a) declare the interest rate it intends to pay to the members; and
- (b) credit each member's account, in the way the board decides, with interest at the declared rate.

## **PART 3—BENEFITS AND PAYMENTS**

### **Time for payment of benefits**

**328.** The board must pay the amount in a member's account if the board is satisfied the member—

- (a) has permanently retired from the workforce and is at least 55 years old; or
- (b) has died; or
- (c) has permanently retired from the workforce on the grounds of total and permanent disablement; or
- (d) is at least 70 years old and is not employed for at least 30 hours a week.

### **Persons entitled to payment of benefits**

**329.(1)** This section applies if a benefit is payable under section 328.

**(2)** The board must pay the benefit—

- (a) if the member is dead—to the member's legal personal representative or to 1 or more of the member's dependants; or
- (b) otherwise—to the member.

**(3)** In deciding to whom it should pay a benefit under subsection (2)(a), the board must have regard to any written notice given by the member to



the board nominating persons to be paid under this section.

## **PART 4—MISCELLANEOUS**

### **Preservation account**

**330.** If a benefit is payable under this chapter to a member, other than by way of a pension, the board must credit the member's voluntary preservation account with the amount of the benefit.

### **Members with defined benefits or receiving partial incapacity benefits**

**331.(1)** This section applies to a member who, immediately before the commencement, was entitled to a benefit under division 2 of the rules for the discontinued scheme.

**(2)** Subject to this deed, the rules of the discontinued scheme, as at the time immediately before the commencement, continue to apply to the member in relation to the benefit.

## **CHAPTER 9—PRESERVATION MEMBERS**

### **PART 1—PRELIMINARY**

#### **Application**

**332.(1)** This chapter applies to preservation members.

**(2)** A member is a preservation member if, under this deed, an amount is required to be paid into the member's preservation account.

**Definitions for ch 9**

**333.** In this chapter—

**“preservation cashing condition”**, for a member, means the member—

- (a) permanently retiring from the workforce at 55 years or more; or
- (b) turning 60 years; or
- (c) dying; or
- (d) becoming totally and permanently disabled.

**“preserved amount”**, of a member, means the following amounts and interest on the amounts under this chapter—

- (a) an amount received by the board under section 26 that the board has undertaken to pay to the member only if a preservation cashing condition has been complied with;
- (b) an amount accepted by the board under part 2;
- (c) an amount transferred to the member’s voluntary preservation account, under this deed, as a preserved amount.

**PART 2—ACCEPTANCE OF CONTRIBUTIONS****Acceptance of contributions—member under 65**

**334.** The board may accept contributions for a member who is under 65 years only in the following circumstances—

- (a) while the member is employed for at least 10 hours a week;
- (b) for up to 2 years after the member ceases to be employed for at least 10 hours a week;
- (c) for up to 7 consecutive years while the employed member—
  - (i) is on authorised leave to raise children, of whom the member is a parent, or for whom the member has assumed the responsibility of a parent; and
  - (ii) has a statutory or contractual right to resume employment at

the end of the authorised leave.

### **Acceptance of contributions—member 65 or over**

**335.(1)** The board may accept contributions for a member who is 65 or more years old only if the member is—

- (a) employed for at least 10 hours a week; and
- (b) less than 70 years old.

## **PART 3—MEMBERS' ACCOUNTS**

### **Voluntary preservation account**

**336.(1)** The board must keep a voluntary preservation account for each member.

**(2)** The following amounts must be credited to the account—

- (a) contributions received under part 2;
- (b) benefits credited to the account under this deed;
- (c) earnings under section 337;
- (d) any other amounts the board considers are most appropriately dealt with by payment to this account.

**(3)** The following amounts must be debited from the account—

- (a) amounts withdrawn from the account under this deed for payment to, or in relation to, the member;
- (b) reasonable administrative fees and charges decided by the board;
- (c) any other amounts the board considers are most appropriately dealt with by deduction from this account.

### **Crediting of earnings**

**337.(1)** The board must credit a member's voluntary preservation

account with the amount, decided by the board, that reasonably reflects the after tax earnings derived from the investment of the amount in the account.

(2) In deciding the amount, the board must have regard to—

- (a) the cost of administering all voluntary preservation accounts; and
- (b) the charges incurred in the investment of amounts in all voluntary preservation accounts; and
- (c) the allocation to, or deduction from, a reserve held for smoothing returns from the investment of amounts in all voluntary preservation accounts; and
- (d) if, under an investment policy established under section 11<sup>5</sup> of the Act, members may choose between 2 or more investment strategies—the investment strategies chosen by the member for the account.

### **Voluntary withdrawals**

**338.(1)** A member may withdraw all or part of the amount in the member's voluntary preservation account.

(2) However, unless a preservation cashing condition has happened, a preserved amount may be withdrawn only for the purpose of being immediately transferred within the superannuation system.

(3) The board may impose reasonable constraints on minimum amounts, times and frequencies of withdrawals.

### **Compulsory withdrawals by member**

**339.(1)** This section applies if—

- (a) a member—
  - (i) has a benefit under the scheme credited to the member's voluntary preservation account under this deed; or
  - (ii) is at least 65 years old and is not employed for at least 10 hours per week; or

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<sup>5</sup> Section 11 (Investment of fund)

(iii) is at least 70 years old and is not employed for at least 30 hours per week; and

(b) the member does not, within 28 days after paragraph (a) starts to apply to the member, elect, under section 341, to buy a pension.

(2) The board must as soon as practicable withdraw the amount in the member's voluntary preservation account and pay it to the member.

### **Compulsory withdrawals on death**

**340.** As soon as practicable after a member dies, the board must withdraw the amount in the member's voluntary preservation account and pay it to the deceased member's legal personal representative or another person who applies to the board to be paid the amount and who the board considers appropriate.

## **PART 4—MISCELLANEOUS**

### **Purchase of pension from fund**

**341.(1)** The board may offer to a member the option to buy, with all or part of the amount in the member's voluntary preservation account, a pension with features agreed with the member.

(2) The board must decide the rates on which it will buy pensions after receiving the advice of the actuary.

(3) The features that may be offered in a pension include—

- (a) a guaranteed period of payment; and
- (b) a level of reversion to another person; and
- (c) a level of indexation.

### **Purchase of annuity**

**342.** On a member's request, the board may buy, with all or part of the amount held in the member's voluntary preservation account, an annuity in

the member's name from a registered life office.

**SCHEDULE 1****PERCENTAGES FOR BENEFITS**

chapter 2, sections 44, 45 and 47

**1.** Subject to sections 2 to 6, the percentages in respect of benefits for employed members are—

- (a) compulsory contribution benefit—17.5%; and
- (b) basic benefit—3.5%; and
- (c) prospective membership benefit—21%.

**2.** The percentages in respect of benefits for employed members employed or engaged by—

- (a) the Townsville Port Authority; and
- (b) the Cairns Port Authority, other than those employed or engaged under an individual written contract;

are, until the Authority ceases to make contributions in respect of the employed members to Sunsuper—

- (c) compulsory contribution benefit—17.5%; and
- (d) basic benefit—0%; and
- (e) prospective membership benefit—17.5%;

**5.** The percentages in respect of employed members employed by the Queensland Police Service are—

- (a) compulsory contribution benefit—21%;
- (b) basic benefit—3.5%;
- (c) prospective membership benefit—24.5%.

## SCHEDULE 1 (continued)

6. The percentages for benefits for an employed member who is employed by the Port of Brisbane Authority as a crew member of the dredge 'Sir Thomas Hiley' on 30 June 1994 and continues the employment after that date are—

- (a) for employment up to 30 June 1994—the percentages calculated by the actuary on the member's salary as at 1 July 1994 that result in the member being entitled to benefits equal to the benefits the member would have been entitled to under part 7 had the member ceased employment before 30 June 1994; and
- (b) for employment on and after 1 July 1994—the percentages mentioned in section 1.

7. The percentages in respect of employed members employed by the Plane Creek Cane Protection and Productivity Board are—

- (a) compulsory contribution benefit—14%; and
- (b) basic benefit—3.5%; and
- (c) prospective membership benefit—17.5%.



**SCHEDULE 2****SCALE OF UNITS OF BENEFITS**

chapter 4, section 95

<b>Column 1</b>		<b>Column 2</b>	<b>Column 3</b>		
<b>Fortnightly salary</b>		<b>No. of units of annuity, incapacity, and (males only) assurance benefits respectively</b>	<b>Fortnightly amount of benefits</b>		
<b>Exceeding</b>	<b>Not exceeding</b>		<b>Annuity</b>	<b>Incapacity</b>	<b>Assurance</b>
<b>\$</b>	<b>\$</b>		<b>\$</b>	<b>\$</b>	<b>\$</b>
	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

## SCHEDULE 2 (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 2 (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 3

chapter 4, section 102

### PART 1—MALE CONTRIBUTORS

*Division 1—Rates of contribution to be paid fortnightly for units of benefit effected at ages not over 60<sup>1</sup>/<sub>2</sub> 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

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 3 (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 3 (continued)

*Division 2—Rates of contribution to be paid fortnightly for units of benefit effected at ages over 60<sup>1</sup>/<sub>2</sub> years*

Age to nearest month when contribution for unit commences	Maximum number of contribu- tions 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

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 3 (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 3 (continued)

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

<b>Age at nearest birthday when contribution for unit commences</b>	<b>Per unit of annuity benefit</b>	<b>Per unit of incapacity benefit</b>
	\$	\$
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 3 (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 3 (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

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 3 (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 4

chapter 4, section 102

### PART 1—RATES OF CONTRIBUTION TO BE PAID FORTNIGHTLY FOR UNITS OF BENEFIT EFFECTED AT AGES NOT OVER 60<sup>1</sup>/<sub>2</sub> YEARS

Age at nearest birthday when contribution for unit commences	Per unit of annuity benefit	Per unit of incapacity benefit	Males		Females	
			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 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

## SCHEDULE 4 (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 4 (continued)

**PART 2—RATES OF CONTRIBUTION TO BE PAID  
FORTNIGHTLY FOR UNITS OF BENEFIT  
EFFECTED AT AGES OVER 60<sup>1</sup>/<sub>2</sub> YEARS**

		Males				Females		
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	Per unit of annuity benefit	Per unit of incapacity benefit		
		Each of first 4 units	Each of first 4 units	5th and each subsequent unit	Each of first 4 units	5th and each subsequent 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

## SCHEDULE 4 (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

## SCHEDULE 4 (continued)

11	..	2	.....	237.00	.	0.02	...	54.17	..	53.15	.	263.05	.	0.02
65	.	0	...	1	.....	472.00	.	.....	107.60	.	105.60	522.70	.....	



**SCHEDULE 5****VALUE PER UNIT OF ASSURANCE IN RESPECT OF  
CONTRIBUTORS WHO DIE BEFORE AGE 60**

chapter 4, section 116

<b>Contributor's age nearest birthday at date of death</b>	<b>Value</b>
	<b>\$</b>
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 6**

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

chapter 4, section 116

<b>Contributor's age in years and completed months at date of death</b>		<b>Value</b>
<b>years</b>	<b>months</b>	<b>\$</b>
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 6 (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 6 (continued)

10 .....	768
11 .....	768

**SCHEDULE 7****FACTORS FOR WIDOWS OF PENSIONERS**

chapter 4, section 116

<b>Widow's age nearest birthday at date of death of pensioner</b>	<b>Factor</b>
-------------------------------------------------------------------	---------------

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 8**

chapter 4, section 161(1)

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

<b>Contributor's age in years and completed months at date of retirement</b>		<b>Value</b>
<b>years</b>	<b>months</b>	<b>\$</b>
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
	10 .....	683

## SCHEDULE 8 (continued)

	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

## SCHEDULE 8 (continued)

10 .....	1013
11 .....	1025

**PART 2—VALUE PER UNIT OF ANNUITY BENEFIT  
OF FEMALE 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 .....	625
	1 .....	633
	2 .....	642
	3 .....	650
	4 .....	658
	5 .....	667
	6 .....	675
	7 .....	683
	8 .....	692
	9 .....	700
	10 .....	708
	11 .....	717
56 .....	0 .....	725
	1 .....	733
	2 .....	742
	3 .....	750
	4 .....	758
	5 .....	767
	6 .....	775
	7 .....	783
	8 .....	792
	9 .....	800



## SCHEDULE 8 (continued)

	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
	9 .....	1129

SCHEDULE 8 (continued)

10 .....	1140
11 .....	1152

**SCHEDULE 9**

chapter 4, section 161(2)

**PART 1—MALE 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 .....	365
	1 .....	364
	2 .....	364
	3 .....	363
	4 .....	362
	5 .....	361
	6 .....	360
	7 .....	359
	8 .....	358
	9 .....	357
	10 .....	357
	11 .....	356
56 .....	0 .....	355
	1 .....	354
	2 .....	353
	3 .....	352
	4 .....	351
	5 .....	351
	6 .....	350
	7 .....	349
	8 .....	348
9 .....	347	

## SCHEDULE 9 (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 9 (continued)

	9 .....	373
	10 .....	372
	11 .....	371
57 .....	0 .....	371
	1 .....	370
	2 .....	369
	3 .....	368
	4 .....	367
	5 .....	366
	6 .....	365
	7 .....	364
	8 .....	364
	9 .....	363
	10 .....	362
	11 .....	361
58 .....	0 .....	360
	1 .....	359
	2 .....	358
	3 .....	357
	4 .....	357
	5 .....	356
	6 .....	355
	7 .....	354
	8 .....	353
	9 .....	352
	10 .....	351
	11 .....	351
59 .....	0 .....	350
	1 .....	349
	2 .....	348
	3 .....	347
	4 .....	346
	5 .....	345

## SCHEDULE 9 (continued)

6 .....	344
7 .....	344
8 .....	343
9 .....	342
10 .....	341
11 .....	340

**SCHEDULE 10****PART 1—COMMUTATION FACTORS**

chapter 5, section 205

<b>Column 1</b>		<b>Column 2</b>
<b>Age in years and complete months at date of retirement</b>		
<b>Years</b>	<b>Months</b>	<b>Commutation factor</b>
60	0	313
60	1	312
60	2	311
60	3	310
60	4	310
60	5	309
60	6	308
60	7	307
60	8	306
60	9	305
60	10	304
60	11	304
61	0	303
61	1	302
61	2	301
61	3	300
61	4	299
61	5	298
61	6	297
61	7	297
61	8	296
61	9	295
61	10	294
61	11	293



## SCHEDULE 10 (continued)

62	0	292
62	1	291
62	2	290
62	3	290
62	4	289
62	5	288
62	6	287
62	7	286
62	8	285
62	9	284
62	10	284
62	11	283
63	0	282
63	1	281
63	2	280
63	3	279
63	4	278
63	5	277
63	6	277
63	7	276
63	8	275
63	9	274
63	10	273
63	11	272
64	0	271
64	1	270
64	2	270
64	3	269
64	4	268
64	5	267
64	6	266
64	7	265
64	8	264
64	9	264
64	10	263

## SCHEDULE 10 (continued)

64 .....	11 .....	262
65 .....	0 .....	261

**PART 2—COMMUTATION FACTORS**

Column 1

Column 2

**Age in years and complete months  
at date of retirement**

<b>Years</b>	<b>Months</b>	<b>Commutation factor</b>
60 .....	0 .....	339
60 .....	1 .....	338
60 .....	2 .....	337
60 .....	3 .....	337
60 .....	4 .....	336
60 .....	5 .....	335
60 .....	6 .....	334
60 .....	7 .....	333
60 .....	8 .....	332
60 .....	9 .....	331
60 .....	10 .....	330
60 .....	11 .....	330
61 .....	0 .....	329
61 .....	1 .....	328
61 .....	2 .....	327
61 .....	3 .....	326
61 .....	4 .....	325
61 .....	5 .....	324
61 .....	6 .....	324
61 .....	7 .....	323
61 .....	8 .....	322
61 .....	9 .....	321
61 .....	10 .....	320
61 .....	11 .....	319

## SCHEDULE 10 (continued)

62	0	318
62	1	317
62	2	317
62	3	316
62	4	315
62	5	314
62	6	313
62	7	312
62	8	311
62	9	310
62	10	310
62	11	309
63	0	308
63	1	307
63	2	306
63	3	305
63	4	304
63	5	304
63	6	303
63	7	302
63	8	301
63	9	300
63	10	299
63	11	298
64	0	297
64	1	297
64	2	296
64	3	295
64	4	294
64	5	293
64	6	292
64	7	291
64	8	290
64	9	290
64	10	289

## SCHEDULE 10 (continued)

64 .....	11 .....	288
65 .....	0 .....	287

**SCHEDULE 11****FACTORS FOR BENEFITS UPON DEATH OF  
CONTRIBUTORS WHO DIE BEFORE AGE 60**

chapter 5, section 185

<b>Contributor's age nearest birthday at date of death</b>	<b>Factor</b>
Up to 25 .....	137
26 .....	141
27 .....	145
28 .....	149
29 .....	153
30 .....	157
31 .....	161
32 .....	164
33 .....	168
34 .....	172
35 .....	176
36 .....	180
37 .....	184
38 .....	188
39 .....	192
40 .....	196
41 .....	200
42 .....	204
43 .....	208
44 .....	211
45 .....	215
46 .....	219
47 .....	223
48 .....	227
49 .....	231
50 to 60 .....	235

**SCHEDULE 12****FACTORS FOR BENEFITS UPON DEATH OF  
CONTRIBUTORS WHO DIE AT AGE 60 OR  
BETWEEN AGES 60 AND 65**

chapter 5, section 185

<b>Contributor's age in years and completed months at date of death</b>		<b>Factor</b>	<b>Contributor's age in years and completed months at date of death</b>		<b>Factor</b>
<b>Years</b>	<b>Months</b>		<b>Years</b>	<b>Months</b>	
60	0	235			
	1	234	61	8	222
	2	233		9	221
	3	233		10	220
	4	232		11	220
	5	231			
	6	231			
	7	230			
	8	229	62	0	219
	9	229		1	218
	10	228		2	218
	11	227		3	217
				4	216
61	0	227		5	216
	1	226		6	215
	2	225		7	214
	3	225		8	214
	4	224		9	213
	5	224		10	212
	6	223		11	212
	7	222			

## SCHEDULE 12 (continued)

63 . . . . . 0 . . . . .	211	64 . . . . . 0 . . . . .	203
1 . . . . .	210	1 . . . . .	203
2 . . . . .	210	2 . . . . .	202
3 . . . . .	209	3 . . . . .	201
4 . . . . .	208	4 . . . . .	201
5 . . . . .	208	5 . . . . .	200
6 . . . . .	207	6 . . . . .	199
7 . . . . .	207	7 . . . . .	199
8 . . . . .	206	8 . . . . .	198
9 . . . . .	205	9 . . . . .	197
10 . . . . .	205	10 . . . . .	197
11 . . . . .	204	11 . . . . .	196

**SCHEDULE 13****FACTORS FOR RELICTS OF PENSIONERS**

chapter 5, section 185

<b>Relict's age nearest birthday at date of death of spouse</b>	<b>Factor</b>
Up to 24 .....	104
25 to 29 .....	122
30 to 34 .....	139
35 to 39 .....	157
40 to 59 .....	174
60 to 64 .....	157
65 to 69 .....	139
70 to 74 .....	122
75 to 79 .....	104
80 to 82 .....	87
83 to 85 .....	74
86 to 88 .....	65
89 to 91 .....	57
92 to 94 .....	48
95 to 97 .....	39
98 to 100 .....	30



**SCHEDULE 14****FACTORS FOR LUMP SUM BENEFITS OF  
CONTRIBUTORS WHO RETIRE BETWEEN AGES 55  
AND 60**

chapter 5, section 181(1)

<b>Contributor's age in years and completed months at date of retirement</b>		<b>Factor</b>	<b>Contributor's age in years and completed months at date of retirement</b>		<b>Factor</b>
<b>Years</b>	<b>Months</b>		<b>Years</b>	<b>Months</b>	
55	0	.9000			
	1	.9017	56	7	.9317
	2	.9033		8	.9333
	3	.9050		9	.9350
	4	.9067		10	.9367
	5	.9083		11	.9383
	6	.9100			
	7	.9117			
	8	.9133	57	0	.9400
	9	.9150		1	.9417
	10	.9167		2	.9433
	11	.9183		3	.9450
				4	.9467
56	0	.9200		5	.9483
	1	.9217		6	.9500
	2	.9233		7	.9517
	3	.9250		8	.9533
	4	.9267		9	.9550
	5	.9283		10	.9567
	6	.9300		11	.9583

## SCHEDULE 14 (continued)

58 . . . . . 0 . . . . .	.9600	59 . . . . . 0 . . . . .	.9800
1 . . . . .	.9617	1 . . . . .	.9817
2 . . . . .	.9633	2 . . . . .	.9833
3 . . . . .	.9650	3 . . . . .	.9850
4 . . . . .	.9667	4 . . . . .	.9867
5 . . . . .	.9683	5 . . . . .	.9883
6 . . . . .	.9700	6 . . . . .	.9900
7 . . . . .	.9717	7 . . . . .	.9917
8 . . . . .	.9733	8 . . . . .	.9933
9 . . . . .	.9750	9 . . . . .	.9950
10 . . . . .	.9767	10 . . . . .	.9967
11 . . . . .	.9783	11 . . . . .	.9983

**SCHEDULE 15****PART 1—MALE CONTRIBUTORS; AND FEMALE CONTRIBUTORS WHO COMMENCED ON OR AFTER 27.2.1984**

chapter 5, section 181(3)

**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**

<b>Years</b>	<b>Months</b>	
55 .....	0 .....	365
	1 .....	364
	2 .....	364
	3 .....	363
	4 .....	362
	5 .....	361
	6 .....	360
	7 .....	359
	8 .....	358
	9 .....	357
	10 .....	357
	11 .....	356
56 .....	0 .....	355
	1 .....	354
	2 .....	353
	3 .....	352
	4 .....	351
	5 .....	351
	6 .....	350
	7 .....	349

## SCHEDULE 15 (continued)

	8 .....	348
	9 .....	347
	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

## SCHEDULE 15 (continued)

5 .....	319
6 .....	318
7 .....	317
8 .....	317
9 .....	316
10 .....	315
11 .....	314

**PART 2—FEMALE CONTRIBUTORS WHO  
COMMENCED BEFORE 27.2.1984**

**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

## SCHEDULE 15 (continued)

	3	378
	4	377
	5	377
	6	376
	7	375
	8	374
	9	373
	10	372
	11	371
57	0	371
	1	370
	2	369
	3	368
	4	367
	5	366
	6	365
	7	364
	8	364
	9	363
	10	362
	11	361
58	0	360
	1	359
	2	358
	3	357
	4	357
	5	356
	6	355
	7	354
	8	353
	9	352
	10	351
	11	351

## SCHEDULE 15 (continued)

59 .....	0 .....	350
	1 .....	349
	2 .....	348
	3 .....	347
	4 .....	346
	5 .....	345
	6 .....	344
	7 .....	344
	8 .....	343
	9 .....	342
	10 .....	341
	11 .....	340

**SCHEDULE 16****SCALE OF UNITS OF BENEFITS**

chapter 6, section 218

Column 1 Fortnightly salary		Column 2 No. of units of annuity, incapacity, and (males only) assurance benefits respectively	Column 3 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
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



*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 16 (continued)

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	222.72	148.48
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

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 16 (continued)

443.80	450.20	70	268.80	268.80	179.20
450.20	..	$71 + A^*$	$\$3.84 \times$	$\$3.84 \times$	$\$2.56 \times$
			$(71 + A^*)$	$(71 + A^*)$	$(71 + A^*)$

\*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 17****SCALE OF UNITS OF BENEFITS**

chapter 6, section 264

Column 1 Fortnightly salary		Column 2 No. of units of annuity, incapacity, and (males only) assurance benefits respectively	Column 3 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
94.30	99.10	20	76.80	76.80	51.20
99.10	108.80	21	80.64	80.64	53.76
108.80	118.40	22	84.48	84.48	56.32
118.40	128.10	23	88.32	88.32	58.88
128.10	137.70	24	92.16	92.16	61.44
137.70	147.40	25	96.00	96.00	64.00
147.40	157.00	26	99.84	99.84	66.56
157.00	166.70	27	103.68	103.68	69.12

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 17 (continued)

166.70	176.40	28	107.52	107.52	71.68
176.40	186.00	29	111.36	111.36	74.24
186.00	195.70	30	115.20	115.20	76.80
195.70	205.30	31	119.04	119.04	79.36
205.30	215.00	32	122.88	122.88	81.92
215.00	224.70	33	126.72	126.72	84.48
224.70	234.30	34	130.56	130.56	87.04
234.30	244.00	35	134.40	134.40	89.60
244.00	253.60	36	138.24	138.24	92.16
253.60	263.60	37	142.08	142.08	94.72
263.30	273.00	38	145.92	145.92	97.28
273.00	282.60	39	149.76	149.76	99.84
282.60	292.30	40	153.60	153.60	102.40
292.30	301.90	41	157.44	157.44	104.96
301.90	311.60	42	161.28	161.28	107.52
311.60	321.30	43	165.12	165.12	110.08
321.30	330.90	44	168.96	168.96	112.64
330.90	340.60	45	172.80	172.80	115.20
340.60	350.20	46	176.64	176.64	117.76
350.20	359.90	47	180.48	180.48	120.32
359.90	369.60	48	184.32	184.32	122.88
369.60	379.20	49	188.16	188.16	125.44
379.20	388.90	50	192.00	192.00	128.00
388.90	398.50	51	195.84	195.84	130.56
398.50	408.20	52	199.68	199.68	133.12
408.20	417.80	53	203.52	203.52	135.68
417.80	..	54	207.36	207.36	138.24

**SCHEDULE 18****PART 1—MALE CONTRIBUTORS***Division 1—Rates of contribution to be paid fortnightly for units of benefit effected at ages not over 55 1/2 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	0.10	0.02	0.05	0.04
16	0.10	0.02	0.05	0.04
17	0.11	0.02	0.05	0.04
18	0.11	0.02	0.05	0.04
19	0.12	0.02	0.05	0.04
20	0.13	0.02	0.06	0.05
21	0.14	0.02	0.06	0.05
22	0.14	0.02	0.06	0.05
23	0.15	0.02	0.06	0.05
24	0.16	0.02	0.07	0.06
25	0.17	0.02	0.07	0.06
26	0.18	0.02	0.08	0.06
27	0.19	0.02	0.09	0.07
28	0.21	0.02	0.09	0.07
29	0.22	0.03	0.09	0.07
30	0.23	0.03	0.10	0.08
31	0.25	0.03	0.10	0.08
32	0.27	0.03	0.11	0.09
33	0.29	0.03	0.11	0.09
34	0.31	0.03	0.12	0.10
35	0.33	0.03	0.12	0.10
36	0.35	0.03	0.13	0.11
37	0.38	0.03	0.14	0.12
38	0.41	0.04	0.15	0.13

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 18 (continued)

39	0.44	0.04	0.16	0.13
40	0.48	0.04	0.17	0.14
41	0.52	0.04	0.18	0.15
42	0.57	0.04	0.20	0.17
43	0.62	0.04	0.21	0.18
44	0.67	0.05	0.22	0.19
45	0.74	0.05	0.24	0.21
46	0.82	0.05	0.25	0.22
47	0.91	0.05	0.27	0.24
48	1.01	0.05	0.30	0.27
49	1.14	0.06	0.33	0.30
50	1.29	0.06	0.36	0.33
51	1.47	0.06	0.41	0.37
52	1.70	0.07	0.45	0.41
53	2.00	0.07	0.51	0.47
54	2.41	0.07	0.59	0.55
55	2.97	0.08	0.71	0.66

***Division 2—Rates of contribution to be paid fortnightly for units of benefit effected at ages over 55<sup>1</sup>/<sub>2</sub> 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 units	5th and each subsequent unit	
		\$	\$	\$	\$	
55	6	117	3.36	0.08	0.80	0.75
55	7	115	3.42	0.08	0.81	0.76
55	8	113	3.49	0.08	0.82	0.77
55	9	110	3.59	0.08	0.84	0.78
55	10	108	3.66	0.08	0.85	0.79
55	11	106	3.74	0.08	0.86	0.80
56	0	104	3.82	0.08	0.87	0.82

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 18 (continued)

56	1	102	3.90	0.08	0.89	0.84
56	2	100	3.98	0.08	0.90	0.85
56	3	97	4.11	0.08	0.93	0.88
56	4	95	4.20	0.08	0.95	0.89
56	5	93	4.30	0.08	0.97	0.91
56	6	91	4.41	0.08	0.99	0.93
56	7	89	4.52	0.08	1.01	0.95
56	8	86	4.69	0.08	1.04	0.98
56	9	84	4.82	0.09	1.06	1.01
56	10	82	4.95	0.09	1.09	1.03
56	11	80	5.09	0.09	1.11	1.05
57	0	78	5.23	0.09	1.14	1.08
57	1	76	5.39	0.09	1.17	1.11
57	2	73	5.63	0.09	1.22	1.15
57	3	71	5.80	0.09	1.25	1.18
57	4	69	5.99	0.09	1.29	1.22
57	5	67	6.18	0.09	1.32	1.25
57	6	65	6.38	0.09	1.36	1.29
57	7	63	6.60	0.09	1.41	1.33
57	8	60	6.94	0.09	1.48	1.40
57	9	58	7.20	0.09	1.53	1.45
57	10	56	7.47	0.09	1.58	1.50
57	11	54	7.76	0.09	1.64	1.55
58	0	52	8.07	0.09	1.70	1.61
58	1	50	8.43	0.09	1.77	1.67
58	2	47	9.00	0.09	1.87	1.78
58	3	45	9.43	0.09	1.95	1.85
58	4	43	9.90	0.09	2.04	1.94
58	5	41	10.41	0.09	2.14	2.03
58	6	39	10.97	0.09	2.24	2.13
58	7	36	11.90	0.09	2.43	2.30
58	8	34	12.62	0.09	2.56	2.44
58	9	32	13.44	0.10	2.72	2.59
58	10	30	14.36	0.10	2.90	2.75
58	11	28	15.41	0.10	3.10	2.95
59	0	26	16.61	0.10	3.33	3.17
59	1	23	18.72	0.09	3.74	3.56
59	2	21	20.43	0.08	4.07	3.87
59	3	19	22.51	0.07	4.46	4.25
59	4	17	25.08	0.07	4.95	4.72
59	5	15	28.33	0.06	5.57	5.32
59	6	13	32.58	0.05	6.38	6.09

## SCHEDULE 18 (continued)

59	7	10	42.22	0.04	8.24	7.87
59	8	8	52.60	0.04	10.22	9.77
59	9	6	69.91	0.03	13.53	12.94
59	10	4	104.52	0.02	20.15	19.27
59	11	2	208.34	0.01	40.00	38.27
60	0	1	415.30	..	79.40	76.00

**PART 2—FEMALE CONTRIBUTORS***Division 1—Rates of contribution to be paid fortnightly for units of benefit effected at ages not over 55½ years*

Age at nearest birthday when contribution for unit commences	Per unit of annuity benefit	Per unit of incapacity benefit
	\$	\$
15	0.11	0.02
16	0.12	0.02
17	0.12	0.02
18	0.13	0.02
19	0.14	0.02
20	0.15	0.02
21	0.15	0.02
22	0.16	0.02
23	0.17	0.02
24	0.18	0.02
25	0.20	0.03
26	0.21	0.03
27	0.22	0.03
28	0.24	0.03
29	0.25	0.03
30	0.27	0.03
31	0.28	0.03
32	0.30	0.03
33	0.33	0.03
34	0.35	0.04



*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 18 (continued)

35	0.37	0.04
36	0.40	0.04
37	0.43	0.04
38	0.46	0.04
39	0.50	0.04
40	0.54	0.04
41	0.59	0.05
42	0.64	0.05
43	0.70	0.05
44	0.76	0.05
45	0.84	0.05
46	0.93	0.06
47	1.03	0.06
48	1.14	0.06
49	1.28	0.07
50	1.45	0.07
51	1.66	0.07
52	1.92	0.07
53	2.26	0.08
54	2.71	0.08
55	3.34	0.08

*Division 2—Rates of contribution to be paid fortnightly for units of benefit effected at ages over 55½ 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	
		\$	\$	
55	6	117	3.78	0.08
55	7	115	3.85	0.08
55	8	113	3.92	0.08
55	9	110	4.03	0.08
55	10	108	4.11	0.08
55	11	106	4.20	0.08

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 18 (continued)

56	0	104	4.29	0.08
56	1	102	4.38	0.08
56	2	100	4.47	0.08
56	3	97	4.61	0.08
56	4	95	4.71	0.09
56	5	93	4.83	0.09
56	6	91	4.95	0.09
56	7	89	5.08	0.09
56	8	86	5.27	0.09
56	9	84	5.41	0.09
56	10	82	5.56	0.09
56	11	80	5.71	0.09
57	0	78	5.87	0.09
57	1	76	6.04	0.09
57	2	73	6.30	0.09
57	3	71	6.49	0.09
57	4	69	6.69	0.09
57	5	67	6.90	0.09
57	6	65	7.13	0.09
57	7	63	7.37	0.09
57	8	60	7.76	0.09
57	9	58	8.05	0.09
57	10	56	8.36	0.09
57	11	54	8.69	0.09
58	0	52	9.04	0.09
58	1	50	9.44	0.09
58	2	47	10.08	0.09
58	3	45	10.56	0.09
58	4	43	11.08	0.09
58	5	41	11.65	0.09
58	6	39	12.27	0.09
58	7	36	13.31	0.09
58	8	34	14.12	0.09
58	9	32	15.03	0.09
58	10	30	16.06	0.09
58	11	28	17.23	0.09
59	0	26	18.57	0.09
59	1	23	20.93	0.09
59	2	21	22.86	0.08
59	3	19	25.19	0.07
59	4	17	28.07	0.06
59	5	15	31.72	0.06

## SCHEDULE 18 (continued)

59	6	13	36.49	0.05
59	7	10	47.29	0.04
59	8	8	58.93	0.03
59	9	6	78.34	0.03
59	10	4	117.16	0.02
59	11	2	233.61	0.01
60	0	1	465.80	..

**SCHEDULE 19**

chapter 6, sections 225 and 227

**PART 1—MALE CONTRIBUTORS*****Division 1—Rates of contribution to be paid fortnightly for units of benefit effected at ages not over 55½ 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	0.10	0.02	0.05	0.04
16	0.10	0.02	0.05	0.04
17	0.11	0.02	0.06	0.05
18	0.12	0.02	0.06	0.05
19	0.13	0.02	0.06	0.05
20	0.13	0.02	0.06	0.05
21	0.14	0.02	0.07	0.06
22	0.15	0.02	0.07	0.06
23	0.16	0.02	0.07	0.06
24	0.17	0.02	0.08	0.07
25	0.18	0.02	0.09	0.07
26	0.19	0.02	0.10	0.08
27	0.21	0.02	0.10	0.08
28	0.22	0.02	0.10	0.08
29	0.24	0.03	0.11	0.09
30	0.25	0.03	0.11	0.09
31	0.27	0.03	0.12	0.10
32	0.29	0.03	0.13	0.11
33	0.31	0.03	0.13	0.11
34	0.34	0.03	0.14	0.12
35	0.36	0.03	0.15	0.13
36	0.39	0.03	0.16	0.14
37	0.42	0.03	0.18	0.15

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 19 (continued)

38	0.46	0.04	0.19	0.16
39	0.49	0.04	0.20	0.17
40	0.54	0.04	0.21	0.18
41	0.59	0.04	0.22	0.19
42	0.64	0.04	0.24	0.21
43	0.70	0.04	0.25	0.22
44	0.77	0.05	0.27	0.24
45	0.85	0.05	0.29	0.26
46	0.94	0.05	0.32	0.29
47	1.04	0.05	0.34	0.31
48	1.17	0.05	0.37	0.34
49	1.31	0.06	0.42	0.38
50	1.49	0.06	0.46	0.42
51	1.71	0.06	0.51	0.47
52	1.99	0.07	0.58	0.54
53	2.35	0.07	0.66	0.62
54	2.82	0.07	0.76	0.72
55	3.49	0.08	0.92	0.87

***Division 2—Rates of contribution to be paid fortnightly for units of benefit effected at ages over 55<sup>1</sup>/<sub>2</sub> 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 units	5th and each subsequent unit	
		\$	\$	\$	\$	
55	6	117	3.94	0.08	1.02	0.97
55	7	115	4.02	0.08	1.04	0.98
55	8	113	4.11	0.08	1.06	1.00
55	9	110	4.23	0.08	1.09	1.03
55	10	108	4.32	0.08	1.11	1.05
55	11	106	4.41	0.08	1.13	1.07
56	0	104	4.51	0.08	1.15	1.09

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 19 (continued)

56	1	102	4.61	0.08	1.17	1.11
56	2	100	4.71	0.08	1.20	1.13
56	3	97	4.87	0.08	1.23	1.17
56	4	95	4.99	0.08	1.26	1.20
56	5	93	5.11	0.08	1.28	1.22
56	6	91	5.23	0.08	1.31	1.25
56	7	89	5.36	0.08	1.34	1.28
56	8	86	5.56	0.08	1.39	1.32
56	9	84	5.71	0.09	1.42	1.35
56	10	82	5.86	0.09	1.46	1.39
56	11	80	6.02	0.09	1.49	1.42
57	0	78	6.19	0.09	1.53	1.46
57	1	76	6.37	0.09	1.57	1.50
57	2	73	6.65	0.09	1.63	1.56
57	3	71	6.85	0.09	1.68	1.60
57	4	69	7.07	0.09	1.72	1.65
57	5	67	7.30	0.09	1.77	1.70
57	6	65	7.55	0.09	1.83	1.75
57	7	63	7.81	0.09	1.88	1.80
57	8	60	8.22	0.09	1.97	1.89
57	9	58	8.52	0.09	2.04	1.96
57	10	56	8.85	0.09	2.11	2.03
57	11	54	9.20	0.09	2.19	2.10
58	0	52	9.58	0.09	2.27	2.18
58	1	50	9.99	0.09	2.36	2.27
58	2	47	10.65	0.09	2.51	2.41
58	3	45	11.15	0.09	2.62	2.52
58	4	43	11.70	0.09	2.74	2.63
58	5	41	12.30	0.09	2.87	2.76
58	6	39	12.97	0.09	3.01	2.90
58	7	36	14.08	0.09	3.26	3.14
58	8	34	14.95	0.09	3.45	3.32
58	9	32	15.92	0.10	3.66	3.53
58	10	30	17.02	0.10	3.91	3.76
58	11	28	18.29	0.10	4.18	4.03
59	0	26	19.74	0.10	4.50	4.34
59	1	23	22.25	0.09	5.06	4.88
59	2	21	24.30	0.08	5.51	5.31
59	3	19	26.78	0.07	6.05	5.84

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 19 (continued)

59	4	17	29.84	0.07	6.72	6.49
59	5	15	33.72	0.06	7.57	7.31
59	6	13	38.79	0.05	8.68	8.39
59	7	10	50.28	0.04	11.22	10.84
59	8	8	62.66	0.04	13.93	13.47
59	9	6	83.30	0.03	18.46	17.85
59	10	4	124.57	0.02	27.52	26.62
59	11	2	248.40	0.01	54.70	52.92
60	0	1	495.30	..	108.70	105.20

**PART 2—FEMALE CONTRIBUTORS***Division 1—Rates of contribution to be paid fortnightly for units of benefit effected at ages not over 55½ years*

Age at nearest birthday when contribution for unit commences	Per unit of annuity benefit	Per unit of incapacity benefit
	\$	\$
15	0.12	0.02
16	0.12	0.02
17	0.13	0.02
18	0.14	0.02
19	0.15	0.02
20	0.16	0.02
21	0.17	0.02
22	0.18	0.02
23	0.19	0.02
24	0.20	0.02
25	0.21	0.03
26	0.23	0.03
27	0.24	0.03
28	0.26	0.03
29	0.28	0.03
30	0.29	0.03

*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 19 (continued)

31	0.32	0.03
32	0.34	0.03
33	0.36	0.03
34	0.39	0.04
35	0.42	0.04
36	0.45	0.04
37	0.49	0.04
38	0.53	0.04
39	0.57	0.04
40	0.62	0.04
41	0.68	0.05
42	0.74	0.05
43	0.81	0.05
44	0.89	0.05
45	0.98	0.05
46	1.08	0.06
47	1.20	0.06
48	1.34	0.06
49	1.51	0.07
50	1.72	0.07
51	1.97	0.07
52	2.28	0.07
53	2.69	0.08
54	3.24	0.08
55	4.00	0.08

*Division 2—Rates of contribution to be paid fortnightly for units of benefit effected at ages over 55<sup>1</sup>/<sub>2</sub> 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
55	6	\$ 4.51	\$ 0.08
55	7	\$ 4.60	\$ 0.08



*Superannuation (State Public Sector) Deed 1990*

## SCHEDULE 19 (continued)

55	8	113	4.69	0.08
55	9	110	4.83	0.08
55	10	108	4.94	0.08
55	11	106	5.04	0.08
56	0	104	5.15	0.08
56	1	102	5.26	0.08
56	2	100	5.38	0.08
56	3	97	5.56	0.08
56	4	95	5.69	0.09
56	5	93	5.83	0.09
56	6	91	5.97	0.09
56	7	89	6.12	0.09
56	8	86	6.35	0.09
56	9	84	6.52	0.09
56	10	82	6.69	0.09
56	11	80	6.88	0.09
57	0	78	7.07	0.09
57	1	76	7.27	0.09
57	2	73	7.59	0.09
57	3	71	7.82	0.09
57	4	69	8.07	0.09
57	5	67	8.33	0.09
57	6	65	8.61	0.09
57	7	63	8.91	0.09
57	8	60	9.37	0.09
57	9	58	9.72	0.09
57	10	56	10.09	0.09
57	11	54	10.49	0.09
58	0	52	10.92	0.09
58	1	50	11.38	0.09
58	2	47	12.14	0.09
58	3	45	12.71	0.09
58	4	43	13.34	0.09
58	5	41	14.02	0.09
58	6	39	14.78	0.09
58	7	36	16.05	0.09
58	8	34	17.03	0.09
58	9	32	18.14	0.09
58	10	30	19.40	0.09

*Superannuation (State Public Sector) Deed 1990*

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## SCHEDULE 19 (continued)

58	11	28	20.83	0.09
59	0	26	22.49	0.09
59	1	23	25.35	0.09
59	2	21	27.69	0.08
59	3	19	30.52	0.07
59	4	17	34.02	0.06
59	5	15	38.45	0.06
59	6	13	44.24	0.05
59	7	10	57.35	0.04
59	8	8	71.48	0.03
59	9	6	95.04	0.03
59	10	4	142.16	0.02
59	11	2	283.51	0.01
60	0	1	565.40	..

**SCHEDULE 20****VALUE OF A UNIT OF ASSURANCE FOR  
CONTRIBUTORS WHO DIE BEFORE TURNING 55**

chapter 6, section 240

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
32	561
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	761
48	775
49–55	784

**SCHEDULE 21****VALUE OF A UNIT OF ASSURANCE FOR  
CONTRIBUTORS WHO DIE ON OR AFTER  
TURNING 55 BUT BEFORE TURNING 66**

chapter 6, section 240

Contributor's age in years and complete months at date of death			Value	Contributor's age in years and complete months at date of death			Value
Years	Months	\$		Years	Months	\$	
55	0	785		58	0	854	
	1	787			1	856	
	2	789			2	858	
	3	791			3	860	
	4	792			4	862	
	5	794			5	864	
	6	796			6	866	
	7	798			7	868	
	8	800			8	870	
	9	802			9	872	
	10	804			10	874	
	11	806			11	876	
56	0	808		59	0	878	
	1	810			1	880	
	2	812			2	882	
	3	814			3	884	
	4	816			4	885	
	5	818			5	887	
	6	820			6	889	
	7	822			7	891	
	8	823			8	893	
	9	825			9	895	
	10	827			10	897	
	11	829			11	899	
57	0	831					

## SCHEDULE 21 (continued)

1	833
2	835
3	837
4	839
5	841
6	843
7	845
8	847
9	849
10	851
11	853

**SCHEDULE 22****FACTOR FOR WIDOWS OF FORMER MEMBERS**

chapter 6, section 240

Widow's age nearest birthday at date of death of former member	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 23****PART 1—COMMUTATION FACTORS**

chapter 7, section 312

<b>Column 1</b>		<b>Column 2</b>
<b>Age in years and complete months at date of retirement</b>		
<b>Years</b>	<b>Months</b>	<b>Commutation factor</b>
55	0	365.3
55	1	364.4
55	2	363.5
55	3	362.7
55	4	361.8
55	5	360.9
55	6	360.0
55	7	359.2
55	8	358.3
55	9	357.4
55	10	356.6
55	11	355.7
56	0	354.8
56	1	354.0
56	2	353.1
56	3	352.2
56	4	351.3
56	5	350.5
56	6	349.6
56	7	348.7
56	8	347.9
56	9	347.0
56	10	346.1
56	11	345.3

## SCHEDULE 23 (continued)

57	0	344.4
57	1	343.5
57	2	342.6
57	3	341.8
57	4	340.9
57	5	340.0
57	6	339.2
57	7	338.3
57	8	337.4
57	9	336.6
57	10	335.7
57	11	334.8
58	0	334.0
58	1	333.1
58	2	332.2
58	3	331.3
58	4	330.5
58	5	329.6
58	6	328.7
58	7	327.9
58	8	327.0
58	9	326.1
58	10	325.3
58	11	324.4
59	0	323.5
59	1	322.6
59	2	321.8
59	3	320.9
59	4	320.0
59	5	319.2
59	6	318.3
59	7	317.4
59	8	316.6
59	9	315.7
59	10	314.8



## SCHEDULE 23 (continued)

59 .....	11 .....	313.9
60 .....	0 .....	313.1

**PART 2—COMMUTATION FACTORS**

Column 1

Column 2

**Age in years and complete months  
at date of retirement**

<b>Years</b>	<b>Months</b>	<b>Commutation factor</b>
55 .....	0 .....	391.4
55 .....	1 .....	390.5
55 .....	2 .....	389.6
55 .....	3 .....	388.7
55 .....	4 .....	387.9
55 .....	5 .....	387.0
55 .....	6 .....	386.1
55 .....	7 .....	385.3
55 .....	8 .....	384.4
55 .....	9 .....	383.5
55 .....	10 .....	382.7
55 .....	11 .....	381.8
56 .....	0 .....	380.9
56 .....	1 .....	380.0
56 .....	2 .....	379.2
56 .....	3 .....	378.3
56 .....	4 .....	377.4
56 .....	5 .....	376.6
56 .....	6 .....	375.7
56 .....	7 .....	374.8
56 .....	8 .....	374.0
56 .....	9 .....	373.1
56 .....	10 .....	372.2
56 .....	11 .....	371.3

## SCHEDULE 23 (continued)

57	0	370.5
57	1	369.6
57	2	368.7
57	3	367.9
57	4	367.0
57	5	366.1
57	6	365.3
57	7	364.4
57	8	363.5
57	9	362.7
57	10	361.8
57	11	360.9
58	0	360.0
58	1	359.2
58	2	358.3
58	3	357.4
58	4	356.6
58	5	355.7
58	6	354.8
58	7	354.0
58	8	353.1
58	9	352.2
58	10	351.3
58	11	350.5
59	0	349.6
59	1	348.7
59	2	347.9
59	3	347.0
59	4	346.1
59	5	345.3
59	6	344.4
59	7	343.5
59	8	342.6
59	9	341.8
59	10	340.9

## SCHEDULE 23 (continued)

59 .....	11 .....	340.0
60 .....	0 .....	339.2

**SCHEDULE 24****COMMUTATION FACTORS**

chapter 7, section 312

Age in years and complete months at date of retirement		Commutation factor	Age in years and complete months at date of retirement		Commutation factor
Years	Months		Years	Months	
57	0	344	58	10	325
	1	344		11	324
	2	343			
	3	342	59	0	324
	4	341		1	323
	5	340		2	322
	6	339		3	321
	7	338		4	320
	8	337		5	319
	9	337		6	318
	10	336		7	317
	11	335		8	317
				9	316
58	0	334		10	315
	1	333		11	314
	2	332			
	3	331			
	4	330			
	5	330			
	6	329			
	7	328			
	8	327			
	9	326			

## SCHEDULE 24 (continued)

60 . . . . . 0 . . . . .	313	62 . . . . . 0 . . . . .	292
1 . . . . .	312		
2 . . . . .	311		
3 . . . . .	310		
4 . . . . .	310		
5 . . . . .	309		
6 . . . . .	308		
7 . . . . .	307		
8 . . . . .	306		
9 . . . . .	305		
10 . . . . .	304		
11 . . . . .	304		
61 . . . . . 0 . . . . .	303		
1 . . . . .	302		
2 . . . . .	301		
3 . . . . .	300		
4 . . . . .	299		
5 . . . . .	298		
6 . . . . .	297		
7 . . . . .	297		
8 . . . . .	296		
9 . . . . .	295		
10 . . . . .	294		
11 . . . . .	293		

**SCHEDULE 25****COMMUTATION FACTORS**

chapter 7, section 312

<b>Column 1</b>		<b>Column 2</b>
<b>Age in years and complete months at date of retirement</b>		
<b>Years</b>	<b>Months</b>	<b>Commutation factor</b>
60	0	313
60	1	312
60	2	311
60	3	310
60	4	310
60	5	309
60	6	308
60	7	307
60	8	306
60	9	305
60	10	304
60	11	304
61	0	303
61	1	302
61	2	301
61	3	300
61	4	299
61	5	298
61	6	297
61	7	297
61	8	296
61	9	295
61	10	294
61	11	293

## SCHEDULE 25 (continued)

62	0	292
62	1	291
62	2	290
62	3	290
62	4	289
62	5	288
62	6	287
62	7	286
62	8	285
62	9	284
62	10	284
62	11	283
63	0	282
63	1	281
63	2	280
63	3	279
63	4	278
63	5	277
63	6	277
63	7	276
63	8	275
63	9	274
63	10	273
63	11	272
64	0	271
64	1	270
64	2	270
64	3	269
64	4	268
64	5	267
64	6	266
64	7	265
64	8	264
64	9	264
64	10	263

## SCHEDULE 25 (continued)

64 .....	11 .....	262
65 .....	0 .....	261



**SCHEDULE 26****FACTORS FOR BENEFITS UPON DEATH OF  
CONTRIBUTORS WHO DIE BEFORE AGE 55**

chapter 7, section 294

<b>Contributor's age nearest birthday at date of death</b>	<b>Factor</b>
Up to 25 .....	139
26 .....	143
27 .....	147
28 .....	151
29 .....	155
30 .....	159
31 .....	163
32 .....	167
33 .....	171
34 .....	175
35 .....	179
36 .....	183
37 .....	187
38 .....	191
39 .....	195
40 .....	199
41 .....	203
42 .....	207
43 .....	211
44 .....	215
45 .....	219
46 .....	222
47 .....	224
48 .....	227
49 .....	230
50 to 55 .....	233

**SCHEDULE 27****FACTORS FOR BENEFITS UPON DEATH OF  
CONTRIBUTORS WHO DIE AT AGE 55 OR  
BETWEEN AGES 55 AND 60**

chapter 7, section 294

<b>Contributor's age in years and complete months at date of death</b>		<b>Factor</b>	<b>Contributor's age in years and complete months at date of death</b>		<b>Factor</b>
<b>Years</b>	<b>Months</b>		<b>Years</b>	<b>Months</b>	
55	0	233	56	8	235
	1	233		9	235
	2	233		10	235
	3	233		11	235
	4	233			
	5	233	57	0	235
	6	233		1	235
	7	234		2	235
	8	234		3	235
	9	234		4	235
	10	234		5	235
	11	234		6	235
				7	235
56	0	234		8	235
	1	234		9	235
	2	234		10	235
	3	234		11	235
	4	234			
	5	235			
	6	235			
	7	235			

## SCHEDULE 27 (continued)

58 . . . . . 0 . . . . .	235	59 . . . . . 0 . . . . .	235
1 . . . . .	235	1 . . . . .	235
2 . . . . .	235	2 . . . . .	235
3 . . . . .	235	3 . . . . .	235
4 . . . . .	235	4 . . . . .	235
5 . . . . .	235	5 . . . . .	235
6 . . . . .	235	6 . . . . .	235
7 . . . . .	235	7 . . . . .	235
8 . . . . .	235	8 . . . . .	235
9 . . . . .	235	9 . . . . .	235
10 . . . . .	235	10 . . . . .	235
11 . . . . .	235	11 . . . . .	235

**SCHEDULE 28****FACTORS FOR RELICTS OF PENSIONERS**

chapter 7, section 294

<b>Relict's age nearest birthday at date of death of pensioner</b>	<b>Factor</b>
Up to 24 .....	104
25 to 29 .....	122
30 to 34 .....	139
35 to 39 .....	157
40 to 59 .....	174
60 to 64 .....	157
65 to 69 .....	139
70 to 74 .....	122
75 to 79 .....	104
80 to 82 .....	87
83 to 85 .....	74
86 to 88 .....	65
89 to 91 .....	57
92 to 94 .....	48
95 to 97 .....	39
98 to 100 .....	30

*Superannuation (State Public Sector) Deed 1990*

---

*IN WITNESS WHEREOF* this deed has been duly executed by each member of the Board of Trustees on the day and year first written above.

SIGNED AND DELIVERED BY )  
HENRY ROBERT SMERDON )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

H.R. SMERDON

SIGNED AND DELIVERED BY )  
JOHN MERVYN HINCKS )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

J.M. HINCKS

SIGNED AND DELIVERED BY )  
ROSS WILLIAM DUNNING )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

R.W. DUNNING

SIGNED AND DELIVERED BY )  
DALE EDWARD HENNESSY )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

D.E. HENNESSY

*Superannuation (State Public Sector) Deed 1990*

---

SIGNED AND DELIVERED BY )  
DESMOND ERNEST BOYLAND )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

D.E. BOYLAND

SIGNED AND DELIVERED BY )  
NOEL JOHN ROSS )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

N.J. ROSS

SIGNED AND DELIVERED BY )  
KAREN SHIRLEY PEUT )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

K.S. PEUT

SIGNED AND DELIVERED BY )  
THOMAS ALFRED BARTON )  
in the presence of )  
 )  
F. STEVENSON )  
A Justice of the Peace

T.A. BARTON

**ENDNOTES****1 Index to Endnotes**

	Page
2 Date to which amendments incorporated . . . . .	446
3 Key . . . . .	447
4 Table of earlier reprints . . . . .	447
5 Tables in earlier reprints . . . . .	447
6 List of legislation . . . . .	448
7 List of annotations . . . . .	450
8 Table of renumbered provisions . . . . .	474

**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 April 1998. Future amendments of the Superannuation (State Public Sector) Deed 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 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 a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 233 of 1994	28 July 1994
1A	to SL No. 55 of 1996	13 February 1997
1B	to SL No. 42 of 1997	11 March 1997
2	to SL No. 322 of 1997	3 October 1997

### 5 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Obsolete and redundant provisions	1
Renumbered provisions	1, 2



## **6 List of legislation**

### **Superannuation (State Public Sector) Deed 1990 (prev Deed of the State Public Sector Superannuation Scheme)**

made by the Governor in Council on 21 June 1990  
 pubd gaz 23 June 1990 pp 1029–52  
 commenced on date of publication  
exp 21 June 2000 (see SIA s 54)

as amended by—

#### **orders published gazette (pre SL series)—**

22 December 1990 pp 2258–9  
 commenced on date of publication

18 May 1991 p 242  
 commenced on date of publication

29 June 1991 pp 1133–6, 1152  
 commenced on date of publication

### **Superannuation (State Public Sector) Order 1991 SL No. 89**

pubd gaz 28 September 1991 pp 389–9  
 commenced on date of publication

### **Superannuation (State Public Sector—Deed) Order 1991 SL No. 160**

pubd gaz 14 December 1991 pp 1949–53  
 commenced on date of publication

### **Superannuation (State Public Sector) Variation of Deed Order (No. 1) 1992 SL No. 174**

pubd gaz 26 June 1992 pp 1974–5  
 ss 1–2 commenced on date publication  
 remaining provisions commenced 1 July 1992 (see s 2)

### **Superannuation (State Public Sector) Variation of Deed Order (No. 2) 1992 SL No. 173**

pubd gaz 26 June 1992 pp 1971–3  
 ss 1–2 commenced on date of publication  
 remaining provisions commenced 1 July 1992 (see s 2)

### **Superannuation (State Public Sector) Variation of Deed Regulation (No. 1) 1993 SL No. 138**

notfd gaz 14 May 1993 pp 445–7  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 5 October 1992 (see s 2)

### **Superannuation (State Public Sector) Variation of Deed Regulation (No. 2) 1993 SL No. 148**

notfd gaz 21 May 1993 pp 541–4  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 December 1992 (see s 2)

**Superannuation (State Public Sector) Variation of Deed Regulation (No. 1) 1994  
SL No. 71**

notfd gaz 4 March 1994 pp 872–4  
commenced on date of notification

**Superannuation (State Public Sector) Variation of Deed Regulation (No. 2) 1994  
SL No. 223**

notfd gaz 1 July 1994 pp 1170–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1994 (see s 2)

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 1)  
1995 SL No. 7**

notfd gaz 27 January 1995 pp 292–4  
commenced on date of notification

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 2)  
1995 SL No. 59**

notfd gaz 24 March 1995 pp 1310–2  
commenced on date of notification

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 1)  
1996 SL No. 55**

notfd gaz 29 March 1996 pp 1468–9  
commenced on date of notification

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 1)  
1997 SL No. 42**

notfd gaz 7 March 1997 pp 909–10  
s 2 sch amdts 2–4, 6, 15–22, 24–27, 29–33, 35, 37–38, 41–50, 52, 54–59 and 61  
commenced 15 May 1996 (see s 3(1))  
amdt 62 commenced 1 July 1996 (see s 3(2))  
remaining provisions commenced on date of notification

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 2)  
1997 SL No. 91**

notfd gaz 18 April 1997 pp 1621–2  
s 2 sch commenced 1 July 1996 (see s 3)  
remaining provisions commenced on date of notification

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 3)  
1997 SL No. 171**

notfd gaz 27 June 1997 pp 1004–10  
ss 1–2 commenced on date of notification  
remaining provisions commenced 30 June 1997 (see s 2 and 1997 SL No. 21  
s 2(3))

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 4)  
1997 SL No. 291**

notfd gaz 5 September 1997 pp 63–4  
commenced on date of notification

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 5)  
1997 SL No. 322**

notfd gaz 3 October 1997 pp 481–82

commenced on date of notification

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 6)  
1997 SL No. 414**

notfd gaz 5 December 1997 pp 1515–17

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 1998 (see s 2)

**Superannuation (State Public Sector) Amendment of Deed Regulation (No. 1)  
1998 SL No. 2**

notfd gaz 23 January 1998 pp 270–1

ss 1–2 commenced on date of notification

remaining provisions commenced 1 February 1998 (see s 2)

## 7 List of annotations

**Preamble** amd 1997 SL No. 171 s 3 sch

### CHAPTER 1—GENERAL

**ch hdg** ins 1997 SL No. 171 s 3 sch

#### Short title

**s 1** ins 1997 SL No. 171 s 3 sch

#### Arrangement

**s 1.3** om R1 (see RA s 36)

#### Definitions

**prov hdg** sub 1997 SL No. 42 s 2 sch

**s 3** amd R1 (see RA s 39); 1997 SL No. 42 s 2 sch

def “**Actuary**” om 1997 SL No. 42 s 2 sch

def “**actuary**” sub 1997 SL No. 42 s 2 sch

def “**authorised leave**” ins 1996 SL No. 55 s 2 sch

amd 1997 SL No. 42 s 2 sch

def “**clause**” om R1 (see RA s 39)

def “**discontinued scheme**” ins 1997 SL No. 171 s 3 sch

def “**employed member**” ins 1997 SL No. 42 s 2 sch

amd 1997 SL No. 171 s 3 sch

def “**employer**” amd 1997 SL No. 42 s 2 sch

def “**financial year**” om 1997 SL No. 171 s 3 sch

def “**member**” sub 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch

def “**superannuation guarantee charge**” ins 1996 SL No. 55 s 2 sch

def “**superannuation system**” ins 1996 SL No. 55 s 2 sch

def “**temporary disablement**” amd 1997 SL No. 42 s 2 sch

def “**voluntary contribution account**” ins 1997 SL No. 171 s 3 sch

def “**voluntary contribution and preservation account**” sub 1997 SL No. 42 s 2 sch

om 1997 SL No. 171 s 3 sch  
 def **“voluntary preservation account”** ins 1997 SL No. 171 s 3 sch  
 def **“voluntary preservation earning rate”** ins 1991 SL No. 89 s 2  
 sub 1991 SL No. 160 s 3  
 om 1997 SL No. 171 s 3 sch

**Meaning of “member”**

s 5 ins 1997 SL No. 171 s 3 sch

**Single unit of the State public sector**

s 6 ins 1997 SL No. 42 s 2 sch

**Application of deed to categories of members**

s 8 prev s 1.6 om 1996 SL No. 55 s 2 sch  
 pres s 1.6 ins 1997 SL No. 171 s 3 sch

**References to period of membership etc. for members transferring from discontinued schemes**

s 9 ins 1997 SL No. 171 s 3 sch

**References to matters relating to other persons with entitlements under discontinued schemes**

s 10 ins 1997 SL No. 171 s 3 sch

**Cross references**

s 11 ins 1997 SL No. 171 s 3 sch

**Powers and authorities**

s 13 om 1996 SL No. 55 s 2 sch

**Income and expenditure**

s 15 amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch

**Investment**

s 16 amd 1997 SL No. 42 s 2 sch

**Investment manager’s obligations**

prov hdg sub 1997 SL No. 42 s 2 sch  
 s 17 amd 1997 SL No. 42 s 2 sch

**Appointment of actuary**

s 18 amd 1997 SL No. 42 s 2 sch

**Actuarial reports**

s 19 amd 1997 SL No. 171 s 3 sch

**Determinations by board**

s 20 sub o in c pubd gaz 29 June 1991 pp 1133–6  
 amd 1996 SL No. 55 s 2 sch

**Cessation**

s 21 amd 1997 SL No. 42 s 2 sch

**Membership categories**

s 22 ins 1997 SL No. 171 s 3 sch

**Initial membership categories applying after discontinuance of schemes**

**s 23** ins 1997 SL No. 171 s 3 sch

**PART 6—MEMBERS' ACCOUNTS**

**pt hdg** om 1997 SL No. 171 s 3 sch

**Voluntary contribution and preservation account**

**s 6.1** amd 1997 SL No. 42 s 2 sch

om 1997 SL No. 171 s 3 sch

**Interest on accounts**

**s 6.2** sub 1991 SL No. 160 s 6

amd 1991 SL No. 89 s 3; 1994 SL No. 71 s 2 sch; 1997 SL No. 42 s 2 sch

om 1997 SL No. 171 s 3 sch

**Voluntary withdrawals from the voluntary contribution and preservation account**

**prov hdg** amd 1997 SL No. 42 s 2 sch

**s 6.3** amd 1996 SL No. 55 s 2 sch; 1997 SL No. 42 s 2 sch

om 1997 SL No. 171 s 3 sch

**Compulsory withdrawals from the voluntary contribution and preservation account**

**s 6.4** ins 1997 SL No. 42 s 2 sch

om 1997 SL No. 171 s 3 sch

**Benefit on extended period of non-contributory membership**

**s 7.11 prov hdg** om 1997 SL No. 171 s 3 sch

**Persons to give information**

**s 24** amd 1997 SL No. 171 s 3 sch

**Medical examinations**

**s 25** amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch

**Transfers in**

**s 26** amd o in c pubd gaz 29 June 1991 pp 1133–6;

**Transfers out**

**s 27** ins o in c pubd gaz 29 June 1991 pp 1133–6

amd 1995 SL No. 7 s 2 sch; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch

**Transfers out**

**s 10.3** om o in c pubd gaz 29 June 1991 pp 1133–6

**Purchase of pension from fund**

**s 11.3** amd 1997 SL No. 42 s 2 sch

om 1997 SL No. 171 s 3 sch

**Purchase of annuity**

**s 11.4** amd 1997 SL No. 42 s 2 sch

om 1997 SL No. 171 s 3 sch

**Mandatory commutation**

**s 11.6** om 1996 SL No. 55 s 2 sch

**Numbering and renumbering of deed**

**s 11.8** ins 1997 SL No. 42 s 2 sch  
om R2 (see RA s 39)

**Rounding of monetary amounts**

**s 29** ins 1997 SL No. 171 s 3 sch

**Appeal to board**

**prov hdg** amd o in c publ gaz 29 June 1991 pp 1133–6  
**s 30** amd 1997 SL No. 291 s 2 sch

**CHAPTER 2—DEFINED BENEFIT MEMBERS**

**ch hdg** ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Application**

**s 31** ins 1997 SL No. 171 s 3 sch

**Definitions for ch 2**

**s 32** ins 1997 SL No. 171 s 3 sch  
def “**annual compulsory contribution rate**” amd 1997 SL No. 42 s 2  
sch  
reloc 1997 SL No. 171 s 3 sch  
def “**annual review date**” reloc 1997 SL No. 171 s 3 sch  
def “**annual review date salary**” amd 1997 SL No. 42 s 2 sch  
reloc 1997 SL No. 171 s 3 sch  
def “**average rate**” reloc 1997 SL No. 171 s 3 sch  
def “**AWOTE**” reloc 1997 SL No. 171 s 3 sch  
def “**child**” amd 1997 SL No. 42 s 2 sch  
reloc 1997 SL No. 171 s 3 sch  
def “**compulsory contributions**” amd 1997 SL No. 42 s 2 sch; 1997 SL  
No. 171 s 3 sch  
reloc 1997 SL No. 171 s 3 sch  
def “**contributory membership**” amd o in c publ gaz 18 May 1991  
p 242; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
reloc 1997 SL No. 171 s 3 sch  
def “**early retirement**” reloc 1997 SL No. 171 s 3 sch  
def “**final average salary**” or “**FAS**” amd o in c publ gaz 18 May 1991  
p 242  
reloc 1997 SL No. 171 s 3 sch  
def “**final salary**” or “**FS**” amd o in c publ gaz 18 May 1991 p 242  
reloc 1997 SL No. 171 s 3 sch  
def “**involuntary termination**” reloc 1997 SL No. 171 s 3 sch  
def “**membership**” reloc 1997 SL No. 171 s 3 sch  
def “**non-preserved amount**” ins 1996 SL No. 55 s 2 sch  
reloc 1997 SL No. 171 s 3 sch  
def “**permanent and partial disablement**” amd 1997 SL No. 42 s 2 sch  
reloc 1997 SL No. 171 s 3 sch  
def “**preservation cashing condition**” ins 1996 SL No. 55 s 2 sch  
reloc 1997 SL No. 171 s 3 sch

def **“preserved amount”** ins 1996 SL No. 55 s 2 sch  
 reloc 1997 SL No. 171 s 3 sch  
 def **“prospective membership”** sub 1997 SL No. 42 s 2 sch  
 reloc 1997 SL No. 171 s 3 sch  
 def **“review year”** amd 1997 SL No. 42 s 2 sch  
 reloc 1997 SL No. 171 s 3 sch  
 def **“salary”** reloc 1997 SL No. 171 s 3 sch  
 def **“smoothed earning rate”** sub 1994 SL No. 71 s 2 sch  
 reloc 1997 SL No. 171 s 3 sch  
 def **“spouse”** reloc 1997 SL No. 171 s 3 sch  
 def **“standard compulsory rate”** sub 1997 SL No. 42 s 2 sch  
 reloc 1997 SL No. 171 s 3 sch

**Commencement of membership**

**s 33** (prev s 4.1) sub o in c pubd gaz 29 June 1991 pp 1133–6  
 amd 1996 SL No. 55 s 2 sch; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3  
 sch  
 renum and reloc 1997 SL No. 171 s 3 sch

**Continuity of membership when changing employers**

**prov hdg** ins 1997 SL No. 171 s 3 sch  
**s 34** (prev s 4.3(2)) renum and reloc 1997 SL No. 171 s 3 sch

**PART 2—MEMBER CONTRIBUTIONS**

**pt hdg** (prev ch 1 pt 5 hdg) renum and reloc 1997 SL No. 171 s 3 sch

**Member compulsory contributions**

**s 35** (prev s 5.1) amd 1996 SL No. 55 s 2 sch; 1997 SL No. 42 s 2 sch; 1997  
 SL No. 171 s 3 sch  
 renum and reloc 1997 SL No. 171 s 3 sch

**Average rate in excess of the standard compulsory rate**

**s 36** (prev s 5.2) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
 renum and reloc 1997 SL No. 171 s 3 sch

**Contributions in excess of the maximum rate**

**s 37** (prev s 5.3) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
 renum and reloc 1997 SL No. 171 s 3 sch

**Voluntary contributions**

**s 38** (prev s 5.4) amd 1991 SL No. 160 s 4; 1996 SL No. 55 s 2 sch; 1997 SL  
 No. 171 s 3 sch  
 renum and reloc 1997 SL No. 171 s 3 sch

**Compulsory contributions after benefit determined**

**s 39** (prev s 5.5) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
 renum and reloc 1997 SL No. 171 s 3 sch

**Authority to deduct contributions**

**s 40** (prev s 5.6) amd 1991 SL No. 160 s 5; 1997 SL No. 42 s 2 sch; 1997 SL  
 No. 171 s 3 sch  
 renum and reloc 1997 SL No. 171 s 3 sch

**PART 3—ACCEPTANCE OF CONTRIBUTIONS**

**pt hdg** (prev ch 1 pt 5A hdg) ins 1996 SL No. 55 s 2 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Acceptance of contributions—member under 65**

**s 41** (prev s 5.6A) ins 1996 SL No. 55 s 2 sch  
amd 1997 SL No. 42 s 2 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Acceptance of contributions—member 65 or over**

**s 42** (prev s 5.6B) ins 1996 SL No. 55 s 2 sch  
renum and reloc 1997 SL No. 171 s 3 sch  
sub 1997 SL No. 322 s 2 sch 1

**PART 4—BENEFITS**

**pt hdg** (prev ch 1 pt 7 hdg) renum and reloc 1997 SL No. 171 s 3 sch

**Benefit on age retirement**

**s 43** (prev s 7.1) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Member's compulsory contribution benefit**

**s 44** (prev s 7.2) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Member's basic benefit**

**s 45** (prev s 7.3) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Benefit on total and permanent disablement**

**s 46** (prev s 7.4) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Members' prospective membership benefit**

**s 47** (prev s 7.5) amd 1994 SL No. 71 s 2 sch; 1995 SL No. 59 s 2 sch; 1997  
SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch  
(prev s 7.11) amd o in c pubd gaz 18 May 1991 p 242; 1997 SL No. 42  
s 2 sch  
(s 7.11 renum and reloc as s 7.5(2)) 1997 SL No. 171 s 3 sch

**Benefit on death**

**s 48** (prev s 7.6) amd o in c pubd gaz 29 June 1991 pp 1133–6; 1996 SL No. 55  
s 2 sch; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Benefit on permanent and partial disablement**

**s 49** (prev s 7.7) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch



**Benefit on temporary disablement**

- s 50** (prev s 7.8) amd o in c pubd gaz 18 May 1991 p 242; 1991 SL No. 160 s 7; 1996 SL No. 55 s 2 sch; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Benefit on involuntary termination or early retirement**

- s 51** (prev s 7.9) amd 1992 SL No. 173 s 4; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Benefits on withdrawal**

- s 52** (prev s 7.10) amd 1991 SL No. 160 s 8; 1992 SL No. 173 s 5; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Indexation of pensions**

- s 53** (prev s 7.12) amd 1991 SL No. 160 s 9; 1996 SL No. 55 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Contributory membership of persons who again become employed members**

- prov hdg** amd 1997 SL No. 42 s 2 sch  
**s 54** (prev s 7.13) ins o in c pubd gaz 18 May 1991 p 242  
amd o in c pubd gaz 29 June 1991 pp 1133–6; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Benefit on employed member turning 70**

- prov hdg** amd 1997 SL No. 42 s 2 sch  
**s 55** (prev s 7.14) ins 1996 SL No. 55 s 2 sch  
amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**PART 5—CROWN CONTRIBUTIONS**

- pt hdg** (prev ch 1 pt 8 hdg) renum and reloc 1997 SL No. 171 s 3 sch

**Payments from the fund**

- s 56** (prev s 8.1) amd 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Crown contributions**

- s 57** (prev s 8.2) amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Crown contributions for temporary disablement**

- s 58** (prev s 8.3) amd 1997 SL No. 42 s 2 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**PART 6—VOLUNTARY CONTRIBUTION ACCOUNT**

- pt hdg** ins 1997 SL No. 171 s 3 sch

**Voluntary contribution account**

- s 59** ins 1997 SL No. 171 s 3 sch

**Interest on accounts**

**s 60** ins 1997 SL No. 171 s 3 sch

**Voluntary withdrawals from the voluntary contribution account**

**s 61** ins 1997 SL No. 171 s 3 sch

**Closure of account when employment ceases**

**s 62** ins 1997 SL No. 171 s 3 sch

**Transitional—voluntary contribution account**

**s 206.5** ins 1997 SL No. 171 s 3 sch  
exp 1 July 1997 (see s 206.5(3))

**PART 7—MISCELLANEOUS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Personal medical statement**

**s 63** (prev s 9.1) amd 1994 SL No. 71 s 2 sch; 1997 SL No. 42 s 2 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Salary reduction**

**s 64** (prev s 11.1) sub 1991 SL No. 160 s 10  
amd 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Voluntary insurance**

**s 65** (prev s 11.2) amd 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**Members in part-time employment**

**s 66** (prev s 11.7) amd o in c pubd gaz 29 June 1991 pp 1133–6; 1991 SL No.  
160 s 11; 1997 SL No. 42 s 2 sch; 1997 SL No. 171 s 3 sch  
renum and reloc 1997 SL No. 171 s 3 sch

**CHAPTER 3—ACCUMULATION MEMBERS**

**Note**—These provisions as originally inserted by 1997 SL No. 171 correspond, with changes stated in that instrument, to provisions of the repealed Articles of the Government Officers' Superannuation Scheme.

To the extent the corresponding provisions were contained in reprint 2 of the repealed articles the final form of the annotations to those provisions can be found in the reprint. Note however that after reprint 2 was issued and before the articles were repealed the articles were amended by 1996 SL No. 117, 1996 SL No. 305, 1997 SL No. 17 and 1997 SL No. 144.

**ch 3 hdg** ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

**pt 1 (ss 67–68)** ins 1997 SL No. 171 s 3 sch

**PART 2—ACCEPTANCE OF CONTRIBUTIONS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Acceptance of contributions—member under 65**

**s 69** ins 1997 SL No. 171 s 3 sch

**Acceptance of contributions—member 65 or over**

**s 70** ins 1997 SL No. 171 s 3 sch  
sub 1997 SL No. 322 s 2 sch 1

**PART 3—MEMBERSHIP AND CONTRIBUTIONS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Division 1—Eligibility**

**div hdg** ins 1997 SL No. 171 s 3 sch

**Eligibility for benefits**

**s 71** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**Division 2—Employer contributions**

**div hdg** ins 1997 SL No. 171 s 3 sch

**Payment of contributions**

**s 72** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 1

**Contributions while member is on workers' compensation**

**s 73** ins 1997 SL No. 171 s 3 sch

**Discretionary contributions**

**s 74** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 1

**Method of payment**

**s 75** ins 1997 SL No. 171 s 3 sch

**Division 3—Personal contributions**

**div 3 (s 76)** ins 1997 SL No. 171 s 3 sch

**Division 4—Member's account and interest**

**div 4 (ss 77–78)** ins 1997 SL No. 171 s 3 sch

**PART 4—BENEFITS AND PAYMENTS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Division 1—Benefits**

**div hdg** ins 1997 SL No. 171 s 3 sch

**Time for payment of benefits**

**s 79** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 1

**Persons entitled to payment of benefits**

**s 80** ins 1997 SL No. 171 s 3 sch

**Division 2—Death and disablement insurance**

**div hdg** ins 1997 SL No. 171 s 3 sch

**Subdivision 1—Insurance against death or total and permanent disablement**

**sdiv hdg** ins 1997 SL No. 171 s 3 sch

**Application to be made for benefits**

s 81 ins 1997 SL No. 171 s 3 sch

**Transfer of benefits**

s 82 ins 1997 SL No. 171 s 3 sch

**Definitions**

s 83 ins 1997 SL No. 171 s 3 sch

**Provision of insurance**s 84 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 414 s 3 sch**Admission of other members**

s 85 ins 1997 SL No. 171 s 3 sch

**Insurance terms**

s 86 ins 1997 SL No. 171 s 3 sch

**Premiums**

s 87 ins 1997 SL No. 171 s 3 sch

**Subdivision 2—Insurance against temporary disablement**

sdiv hdg ins 1997 SL No. 171 s 3 sch

**Provision of insurance**

s 88 ins 1997 SL No. 171 s 3 sch

**Subdivision 3—Members ineligible for insurance**

sdiv hdg ins 1997 SL No. 171 s 3 sch

**Ineligible members**

s 89 ins 1997 SL No. 171 s 3 sch

**PART 5—MISCELLANEOUS PROVISIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Preservation and portability on ceasing to be member**s 90 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 1**Preservation and portability while member**

s 91 ins 1997 SL No. 171 s 3 sch

**CHAPTER 4—STATE 58 MEMBERS**

**Note**—These provisions (and schedules 2 to 9) as originally inserted by 1997 SL No. 171 correspond, with changes stated in that instrument, to provisions of the repealed *Public Service Superannuation Act 1958*.

To the extent the corresponding provisions were contained in reprint 1 of the repealed Act the final form of the annotations to those provisions can be found in the reprint. Note however that after reprint 1 was issued and before the Act was repealed the Act was amended by 1996 Act No. 61 1996 and Act No. 75.

ch hdg ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

pt 1 (s 92) ins 1997 SL No. 171 s 3 sch

**PART 2—CONTRIBUTIONS****pt hdg** ins 1997 SL No. 171 s 3 sch**Division 1—Contributions by officers****div 1 (s 93)** ins 1997 SL No. 171 s 3 sch**Division 2—Scale of units****div hdg** ins 1997 SL No. 171 s 3 sch**Salary for the purposes of this division****s 94** ins 1997 SL No. 171 s 3 sch**Scale of units of annuity, incapacity, and, in the case of male officers, assurance benefits****s 95** ins 1997 SL No. 171 s 3 sch**When officer may voluntarily increase contribution****s 96** ins 1997 SL No. 171 s 3 sch**Power of board to exempt etc. from contributing****prov hdg** amd 1997 SL No. 322 s 2 sch 2**s 97** ins 1997 SL No. 171 s 3 sch**Officer reduced in salary****s 98** ins 1997 SL No. 171 s 3 sch

amd 1997 SL No. 322 s 2 sch 2

**Units of benefits to be contributed for in equal numbers****s 99** ins 1997 SL No. 171 s 3 sch

amd 1997 SL No. 322 s 2 sch 2

**Period for which contributions are to continue****s 100** ins 1997 SL No. 171 s 3 sch

amd 1997 SL No. 322 s 2 sch 2

**Refund of excess contributions****s 101** ins 1997 SL No. 171 s 3 sch**Division 3—Scale of contributions by officers****div hdg** ins 1997 SL No. 171 s 3 sch**Contributions according to scale graduated by age at commencement****s 102** ins 1997 SL No. 171 s 3 sch

amd 1997 SL No. 322 s 2 sch 2

**Division 4—Reserve units of benefits****div hdg** ins 1997 SL No. 171 s 3 sch**Contribution for reserve units****s 103** ins 1997 SL No. 171 s 3 sch

amd 1997 SL No. 322 s 2 sch 2

**When reserve units become ordinary units of benefits****s 104** ins 1997 SL No. 171 s 3 sch

amd 1997 SL No. 322 s 2 sch 2

**Contributor may discontinue contribution for reserve units**

s 105 ins 1997 SL No. 171 s 3 sch

**Benefits payable on reserve units**

s 106 ins 1997 SL No. 171 s 3 sch

**Payment of lump sum on ceasing to contribute**

s 107 ins 1997 SL No. 171 s 3 sch

**Division 5—Payments by the Crown**

div 5 (s 108) ins 1997 SL No. 171 s 3 sch

**PART 3—BENEFITS AND PAYMENTS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Division 1—Benefits transferred to preservation account**

div 1 (s 109) ins 1997 SL No. 171 s 3 sch

**Division 2—Annuity benefit**

div 2 (ss 110–111) ins 1997 SL No. 171 s 3 sch

**Division 3—Incapacity benefit**

div 3 (ss 112–114) ins 1997 SL No. 171 s 3 sch

**Division 4—Assurance benefit**

div hdg ins 1997 SL No. 171 s 3 sch

**Entitlement to assurance benefit**

s 115 ins 1997 SL No. 171 s 3 sch

**Units of assurance benefit**

s 116 ins 1997 SL No. 171 s 3 sch

**Extent of assurance benefit**

s 117 ins 1997 SL No. 171 s 3 sch

**Widow's right to substitute pension for assurance benefit**s 118 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Entitlement of widow of person on staff of agent-general**

s 119 ins 1997 SL No. 171 s 3 sch

**Division 5—Additional assurance benefit for children**

div 5 (ss 120–121) ins 1997 SL No. 171 s 3 sch

**Division 6—Surrender values and refunds of contributions for annuity and assurance benefits**

div hdg ins 1997 SL No. 171 s 3 sch

**Endowment payment in lieu of units of assurance benefit**

s 122 ins 1997 SL No. 171 s 3 sch

**Refunds of annuity benefit contributions**s 123 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**Refunds of incapacity benefit contributions**

s 124 ins 1997 SL No. 171 s 3 sch

**Refund of assurance benefit contributions**

s 125 ins 1997 SL No. 171 s 3 sch

**Division 7—Commutation of annuity benefit**

div 7 (ss 126–128) ins 1997 SL No. 171 s 3 sch

**Division 8—General provisions respecting benefits**

div 8 (ss 129–141) ins 1997 SL No. 171 s 3 sch

**PART 4—TRANSITIONAL PROVISIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Division 1—Interpretation**

div 1 (ss 142–143) ins 1997 SL No. 171 s 3 sch

**Division 2—Contributions for annuity benefit by officers**

div 2 (s 144) ins 1997 SL No. 171 s 3 sch

**Division 3—Contributions for incapacity benefit by officers**

div 3 (s 145) ins 1997 SL No. 171 s 3 sch

**Division 4—Amounts respectively of annuity benefits and incapacity benefits**

div 4 (ss 146–147) ins 1997 SL No. 171 s 3 sch

**Division 5—Other benefits under the repealed Act**

div hdg ins 1997 SL No. 171 s 3 sch

**Contribution for assurance benefit under the repealed Act**

s 148 ins 1997 SL No. 171 s 3 sch

**Incapacity beneficiaries when deemed on leave**s 62 ins 1997 SL No. 171 s 3 sch  
om 1997 SL No. 322 s 2 sch 2**Incapacity beneficiaries re-employed as officers**s 63 ins 1997 SL No. 171 s 3 sch  
om 1997 SL No. 322 s 2 sch 2**Division 6—Medical certificates**

div hdg ins 1997 SL No. 171 s 3 sch

**When evidence of good health required**s 149 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Division 11—Conversion of benefits**div 11 (s 68) ins 1997 SL No. 171 s 3 sch  
om 1997 SL No. 322 s 2 sch 2**Division 7—Payments by the Crown**

div hdg ins 1997 SL No. 171 s 3 sch

**When Crown to make payments**

**s 150** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**Division 8—Commutation of benefits**

**div 8 (ss 151–153)** ins 1997 SL No. 171 s 3 sch

**PART 5—VOLUNTARY CONTRIBUTION FOR ANNUITY BENEFIT**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Application of this part**

**s 154** ins 1997 SL No. 171 s 3 sch

**Voluntary contributions for annuity benefit or further annuity benefit**

**s 155** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**Annuity to widow**

**s 156** ins 1997 SL No. 171 s 3 sch

**When limited contributor may become full contributor**

**s 157** ins 1997 SL No. 171 s 3 sch

**PART 6—MISCELLANEOUS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**When officer may continue to contribute after resignation**

**s 158** ins 1997 SL No. 171 s 3 sch

**When fund charged with defalcations by contributors**

**s 159** ins 1997 SL No. 171 s 3 sch

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

**s 160** ins 1997 SL No. 171 s 3 sch

**Benefits upon retirement before age 60**

**s 161** ins 1997 SL No. 171 s 3 sch

**Benefits upon retrenchment, involuntary termination etc.**

**s 162** ins 1997 SL No. 171 s 3 sch

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

**s 163** ins 1997 SL No. 171 s 3 sch

**Requirements as respects medical examinations**

**s 164** ins 1997 SL No. 171 s 3 sch

**Governor in Council may authorise additional payment to beneficiaries**

**s 85** ins 1997 SL No. 171 s 3 sch  
om 1997 SL No. 322 s 2 sch 2

**CHAPTER 5—STATE 72 MEMBERS**

**Note**—These provisions (and schedules 10 to 15) as originally inserted by 1997 SL No. 171 correspond, with changes stated in that instrument, to provisions of the repealed *State Service Superannuation Act 1972*.



To the extent the corresponding provisions were contained in reprint 1 of the repealed Act the final form of the annotations to those provisions can be found in the reprint. Note however that after reprint 1 was issued and before the Act was repealed the Act was amended by 1996 Act No. 37, 1996 Act No. 52, 1996 Act No. 61 and 1996 Act No. 75.

**ch hdg** ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

**pt 1 (ss 165–166)** ins 1997 SL No. 171 s 3 sch

**PART 2—CONTRIBUTIONS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Obligation of officers to contribute to the fund**

**s 167** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**Commencement and cessation of contributions**

**s 168** ins 1997 SL No. 171 s 3 sch

**Time and manner of paying contributions**

**s 169** ins 1997 SL No. 171 s 3 sch

**Suspension of contribution**

**s 170** ins 1997 SL No. 171 s 3 sch

**Rates of contribution**

**s 171** ins 1997 SL No. 171 s 3 sch

**Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3**

**s 172** ins 1997 SL No. 171 s 3 sch

**Further provisions re contributions**

**s 173** ins 1997 SL No. 171 s 3 sch

**When officer may continue to contribute after resignation**

**s 174** ins 1997 SL No. 171 s 3 sch

**PART 3—BENEFITS AND PAYMENTS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Division 1—Benefits transferred to preservation account**

**div 1 (s 175)** ins 1997 SL No. 171 s 3 sch

**Division 2—Contributors' pensions and other benefits**

**div hdg** ins 1997 SL No. 171 s 3 sch

**Calculation of service**

**s 176** ins 1997 SL No. 171 s 3 sch

**Rights of contributors for category A benefits**

**s 177** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**Rights of continuing contributors for category A benefits**

**s 178** ins 1997 SL No. 171 s 3 sch

**Rights of contributors for category B benefits**

s 179 ins 1997 SL No. 171 s 3 sch

**Rights of continuing contributors who are contributors for category B benefits**

s 180 ins 1997 SL No. 171 s 3 sch

**Benefits upon retirement before age 60**

s 181 ins 1997 SL No. 171 s 3 sch

**Benefits upon retrenchment, involuntary termination etc.**

s 182 ins 1997 SL No. 171 s 3 sch

**Construction of pension benefit formula in certain cases and transfer of funds**

s 183 ins 1997 SL No. 171 s 3 sch

**Minimum benefit payable**

s 184 ins 1997 SL No. 171 s 3 sch

**Division 3—Benefits upon contributor's death**

div 3 (ss 185–187) ins 1997 SL No. 171 s 3 sch

**Division 4—Children's pensions**

div 4 (ss 188–190) ins 1997 SL No. 171 s 3 sch

**Division 5—Refund of contributions**

div 5 (s 191) ins 1997 SL No. 171 s 3 sch

**Division 6—Adjustment of pensions**

div 6 (ss 192–193) ins 1997 SL No. 171 s 3 sch

**Division 7—General provisions as to pensions**

div 7 (ss 194–204) ins 1997 SL No. 171 s 3 sch

**Division 8—Conversion of pension entitlement into a lump sum payment**

div hdg ins 1997 SL No. 171 s 3 sch

**Right of contributor to convert pension into a lump sum**s 205 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Endowment benefit in lieu of relict's pension**

s 206 ins 1997 SL No. 171 s 3 sch

**PART 4—FINANCIAL PROVISIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Contributions to the fund by the State and by State authorities**s 207 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**PART 5—MISCELLANEOUS**

pt 5 (ss 208–213) ins 1997 SL No. 171 s 3 sch

**PART 6—APPLICATION OF CHAPTER 4**

pt hdg ins 1997 SL No. 171 s 3 sch

**Application of Public Service Superannuation Act 1958**

**s 214** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**CHAPTER 6—POLICE 68 MEMBERS**

**Note**—These provisions (and schedules 16 to 22) as originally inserted by 1997 SL No. 171 correspond, with changes stated in that instrument, to provisions of the repealed *Police Superannuation Act 1968*.

To the extent the corresponding provisions were contained in reprint 2 of the repealed Act the final form of the annotations to those provisions can be found in the reprint.

**ch hdg** ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

**pt 1 (s 215)** ins 1997 SL No. 171 s 3 sch

**PART 2—CONTRIBUTIONS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Division 1—Contributions by members of the police force**

**div 1 (s 216)** ins 1997 SL No. 171 s 3 sch

**Division 2—Scale of units**

**div 2 (ss 217–224)** ins 1997 SL No. 171 s 3 sch

**Division 3—Scale of contributions by members of the police force**

**div hdg** ins 1997 SL No. 171 s 3 sch

**Contributions according to scale graduated by age at commencement**

**s 225** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**Reduction in contributors' contribution in 1988**

**s 226** ins 1997 SL No. 171 s 3 sch

**Division 4—Reserve units of benefits**

**div 4 (ss 227–231)** ins 1997 SL No. 171 s 3 sch

**Division 5—Payments by the Crown**

**div hdg** ins 1997 SL No. 171 s 3 sch

**Amount of contribution by the Crown**

**s 232** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2

**PART 3—BENEFITS AND PAYMENTS**

**pt hdg** ins 1997 SL No. 171 s 3 sch

**Division 1—Benefits transferred to preservation account**

**div 1 (s 233)** ins 1997 SL No. 171 s 3 sch

**Division 2—Annuity benefit**

**div 2 (ss 234–235)** ins 1997 SL No. 171 s 3 sch

**Division 3—Incapacity benefit**

**div 3 (ss 236–238)** ins 1997 SL No. 171 s 3 sch

**Division 4—Assurance benefit****div 4 (ss 239–242)** ins 1997 SL No. 171 s 3 sch**Division 5—Additional assurance benefit for children****div 5 (ss 243–244)** ins 1997 SL No. 171 s 3 sch**Division 6—Surrender values and refunds of contributions for annuity and assurance benefits****div hdg** ins 1997 SL No. 171 s 3 sch**Endowment payment in lieu of units of assurance benefit****s 245** ins 1997 SL No. 171 s 3 sch**Refunds of annuity benefit contributions****s 246** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Refunds of incapacity benefit contributions****s 247** ins 1997 SL No. 171 s 3 sch**Refund of assurance benefit contributions****s 248** ins 1997 SL No. 171 s 3 sch**Division 7—Commutation of annuity benefit****div hdg** ins 1997 SL No. 171 s 3 sch**Application to commute****s 249** ins 1997 SL No. 171 s 3 sch**Persons not entitled to commute****s 250** ins 1997 SL No. 171 s 3 sch**Ascertainment of lump sum payable****s 251** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Division 8—General provisions respecting benefits****div hdg** ins 1997 SL No. 171 s 3 sch**Right to prepay contributions****s 252** ins 1997 SL No. 171 s 3 sch**Benefits payable for life except in case of children****s 253** ins 1997 SL No. 171 s 3 sch**Payment to person other than the beneficiary****s 254** ins 1997 SL No. 171 s 3 sch**Commencement of benefits****s 255** ins 1997 SL No. 171 s 3 sch**Adjustment of benefits****s 256** ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No 322 s 2 sch 2**Adjustment of benefits where entitlement follows a former entitlement****s 257** ins 1997 SL No. 171 s 3 sch

**Variation of entitlement to adjustment**

s 258 ins 1997 SL No. 171 s 3 sch

**Proof of continued incapacity**

s 259 ins 1997 SL No. 171 s 3 sch

**Incapacity beneficiary restored to health may be recalled to service**

s 260 ins 1997 SL No. 171 s 3 sch

**Contribution by retired incapacity beneficiaries upon re-employment**

s 261 ins 1997 SL No. 171 s 3 sch

**Postponement of payment of refunds**

s 262 ins 1997 SL No. 171 s 3 sch

**PART 4—TRANSITIONAL PROVISIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Division 1—Interpretation**

div 1 (s 263) ins 1997 SL No. 171 s 3 sch

**Division 2—Contributions for units of benefits by members of the police force**

div hdg ins 1997 SL No. 171 s 3 sch

**Contributions for benefits by members of the police force**s 264 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Refund of contributions made under repealed provisions**

s 265 ins 1997 SL No. 171 s 3 sch

**Division 3—Persons in receipt of superannuation allowances etc. under the repealed provisions**

div hdg ins 1997 SL No. 171 s 3 sch

**Superannuation allowance**

s 266 ins 1997 SL No. 171 s 3 sch

**Widow's pensions**

s 267 ins 1997 SL No. 171 s 3 sch

**Children's pensions**

s 268 ins 1997 SL No. 171 s 3 sch

**Pension to widow or child for ex-member dying after 1968 Act commenced**s 269 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Savings**

s 270 ins 1997 SL No. 171 s 3 sch

**Adjustment of benefits**

s 271 ins 1997 SL No. 171 s 3 sch

**Variation of entitlement to adjustment**

s 272 ins 1997 SL No. 171 s 3 sch

**Incapacity beneficiaries when deemed on leave**

s 273 ins 1997 SL No. 171 s 3 sch

**Incapacity beneficiaries re-employed as members of the police force**

s 274 ins 1997 SL No. 171 s 3 sch

**Division 4—Medical certificates**

div 4 (s 275) ins 1997 SL No. 171 s 3 sch

**PART 5—MISCELLANEOUS**

pt 5 (ss 276–279) ins 1997 SL No. 171 s 3 sch

**CHAPTER 7—POLICE 74 MEMBERS**

**Note**—These provisions (and schedules 23 to 28) as originally inserted by 1997 SL No. 171 correspond, with changes stated in that instrument, to provisions of the repealed *Police Superannuation Act 1974*.

To the extent the corresponding provisions were contained in reprint 1 of the repealed Act the final form of the annotations to those provisions can be found in the reprint. Note however that after reprint 1 was issued and before the Act was repealed the Act was amended by 1996 Act No. 37.

ch hdg ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

pt 1 (ss 280–281) ins 1997 SL No. 171 s 3 sch

**PART 2—CONTRIBUTIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Obligation of members to contribute to the fund and consolidated fund**

s 282 ins 1997 SL No. 171 s 3 sch

**Commencement and cessation of contributions**

s 283 ins 1997 SL No. 171 s 3 sch

**Time and manner of paying contributions**

s 284 ins 1997 SL No. 171 s 3 sch

**Rates of contribution**s 285 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3**

s 286 ins 1997 SL No. 171 s 3 sch

**Further provisions re contributions**

s 287 ins 1997 SL No. 171 s 3 sch

**PART 3—BENEFITS AND PAYMENTS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Division 1—Benefits transferred to preservation account**

div 1 (s 288) ins 1997 SL No. 171 s 3 sch

**Division 2—Contributors' pensions and other benefits**

div 2 (ss 289–293) ins 1997 SL No. 171 s 3 sch

**Division 3—Benefits upon contributor’s death**

div 3 (ss 294–295) ins 1997 SL No. 171 s 3 sch

**Division 4—Children’s pensions**

div 4 (ss 296–298) ins 1997 SL No. 171 s 3 sch

**Division 5—Refund of contributions**

div hdg ins 1997 SL No. 171 s 3 sch

**Refund of contributions**s 299 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Division 6—Adjustment of pensions**

div 6 (ss 300–301) ins 1997 SL No. 171 s 3 sch

**Division 7—General provisions as to pensions**

div 7 (ss 302–311) ins 1997 SL No. 171 s 3 sch

**Division 8—Conversion of pension entitlement into a lump sum payment**

div hdg ins 1997 SL No. 171 s 3 sch

**Right of contributor to convert the contributor’s pension into a lump sum**s 312 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**Endowment benefit in lieu of relict’s pension**

s 313 ins 1997 SL No. 171 s 3 sch

**PART 4—FINANCIAL PROVISIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Amount of contribution by the Crown**s 314 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 2**PART 5—MISCELLANEOUS**

pt 5 (ss 315–318) ins 1997 SL No. 171 s 3 sch

**PART 6—SAVINGS AND TRANSITIONAL**

pt 6 (s 319) ins 1997 SL No. 171 s 3 sch

**CHAPTER 8—FIRE MEMBERS**

ch hdg ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

pt 1 (ss 320–321) ins 1997 SL No. 171 s 3 sch

**PART 2—MEMBERSHIP AND CONTRIBUTIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Division 1—Acceptance of contributions**

div hdg ins 1997 SL No. 171 s 3 sch

**Commissioner standard contributions**s 322 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 1

**Acceptance of contributions—member under 65**

s 323 ins 1997 SL No. 171 s 3 sch

**Acceptance of contributions—member 65 or over**s 324 ins 1997 SL No. 171 s 3 sch  
sub 1997 SL No. 322 s 2 sch 1**Division 2—Member’s account and interest**

div 2 (ss 325–327) ins 1997 SL No. 171 s 3 sch

**PART 3—BENEFITS AND PAYMENTS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Time for payment of benefits**s 328 ins 1997 SL No. 171 s 3 sch  
amd 1997 SL No. 322 s 2 sch 1**Persons entitled to payment of benefits**

s 329 ins 1997 SL No. 171 s 3 sch

**PART 4—MISCELLANEOUS**

pt 4 (ss 330–331) ins 1997 SL No. 171 s 3 sch

**CHAPTER 9—PRESERVATION MEMBERS**

ch hdg ins 1997 SL No. 171 s 3 sch

**PART 1—PRELIMINARY**

pt hdg ins 1997 SL No. 171 s 3 sch

**Application**

s 332 ins 1997 SL No. 171 s 3 sch

**Definitions for ch 9**s 333 ins 1997 SL No. 171 s 3 sch  
def “voluntary preservation earning rate” om 1998 SL No. 2 s 3 sch**PART 2—ACCEPTANCE OF CONTRIBUTIONS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Acceptance of contributions—member under 65**

s 334 ins 1997 SL No. 171 s 3 sch

**Acceptance of contributions—member 65 or over**s 335 ins 1997 SL No. 171 s 3 sch  
sub 1997 SL No. 322 s 2 sch 1**PART 3—MEMBERS’ ACCOUNTS**

pt hdg ins 1997 SL No. 171 s 3 sch

**Voluntary preservation account**s 336 ins 1997 SL No. 171 s 3 sch  
amd 1998 SL No. 2 s 3 sch**Crediting of earnings**s 337 ins 1997 SL No. 171 s 3 sch  
sub 1998 SL No. 2 s 3 sch



**Voluntary withdrawals**

s 338 ins 1997 SL No. 171 s 3 sch

**Compulsory withdrawals by member**

s 339 ins 1997 SL No. 171 s 3 sch

**Compulsory withdrawals on death**

s 340 ins 1997 SL No. 171 s 3 sch

**Transitional—voluntary preservation account**s 903.6 ins 1997 SL No. 171 s 3 sch  
exp 1 July 1997 (see s 903.6(3))**PART 4—MISCELLANEOUS**

pt 4 (ss 341–342) ins 1997 SL No. 171 s 3 sch

**SCHEDULE 1—PERCENTAGES FOR BENEFITS**

sch hdg sub 1997 SL No. 42 s 2 sch

sch 1 sub o in c pubd gaz 22 December 1990 pp 2258–9; 29 June 1991  
pp 1133–6  
amd 1991 SL No. 160 s 12; 1992 SL No. 174 s 4; 1993 SL No. 138 s 3  
sch; 1993 SL No. 148 s 3 sch; 1994 SL No. 223 s 3 sch; 1997 No. 91 s  
2 sch; 1997 SL No. 42 s 2 sch; 1997 No. 171 s 3 sch  
renum 1997 No. 171 s 3 sch**SCHEDULE 2—SCALE OF UNITS OF BENEFITS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 3**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 4**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 5—VALUE PER UNIT OF ASSURANCE IN RESPECT OF  
CONTRIBUTORS WHO DIE BEFORE AGE 60**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 6—VALUE PER UNIT OF ASSURANCE IN RESPECT OF  
CONTRIBUTORS WHO DIE AT AGE 60 OR BETWEEN AGES 60  
AND 65**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 7—FACTORS FOR WIDOWS OF PENSIONERS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 8**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 9**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 10**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 11—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE BEFORE AGE 60**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 12—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE AT AGE 60 OR BETWEEN AGES 60 AND 65**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 13—FACTORS FOR RELICTS OF PENSIONERS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 14—FACTORS FOR LUMP SUM BENEFITS OF CONTRIBUTORS WHO RETIRE BETWEEN AGES 55 AND 60**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 15**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 16—SCALE OF UNITS OF BENEFITS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 17—SCALE OF UNITS OF BENEFITS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 18**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 19**

ins 1997 SL No. 171 s 3 sch

amd 1997 SL No. 322 s 2 sch 2

**SCHEDULE 20—VALUE OF A UNIT OF ASSURANCE FOR CONTRIBUTORS WHO DIE BEFORE TURNING 55**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 21—VALUE OF A UNIT OF ASSURANCE FOR CONTRIBUTORS WHO DIE ON OR AFTER TURNING 55 BUT BEFORE TURNING 66**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 22—FACTOR FOR WIDOWS OF FORMER MEMBERS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 23**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 24—COMMUTATION FACTORS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 25—COMMUTATION FACTORS**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 26—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE BEFORE AGE 55**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 27—FACTORS FOR BENEFITS UPON DEATH OF  
CONTRIBUTORS WHO DIE AT AGE 55 OR BETWEEN AGES 55  
AND 60**

ins 1997 SL No. 171 s 3 sch

**SCHEDULE 28—FACTORS FOR RELICTS OF PENSIONERS**

ins 1997 SL No. 171 s 3 sch

## **8 Table of renumbered provisions**

TABLE OF RENUMBERED PROVISIONS (Reprint No. 2)  
under the Reprints Act 1992 s 43 as required by the Superannuation (State Public  
Sector) Deed 1990 s 11.8

Previous	Renumbered as
CHAPTER 1	
1.1A .....	1
1.1 .....	2
1.2 .....	3
1.4 .....	3
1.4AA .....	5
1.4A .....	6
1.5 .....	7
1.6 .....	8
1.7 .....	9
1.8 .....	10
1.9 .....	11
2.1 .....	12
2.2 .....	13
2.3 .....	14
3.1 .....	15
3.1(ca) .....	15(d)
3.1(d) .....	15(e)
3.1(e) .....	15(f)
3.1(f) .....	15(g)
3.1(g) .....	15(h)
3.2 .....	16
3.3 .....	17
3.4 .....	18
3.5 .....	19
3.5(1A) .....	19(2)
3.5(2) .....	19(3)
4.2 .....	20
4.3 .....	21

*Superannuation (State Public Sector) Deed 1990*


---

4.4 .....	22
4.5 .....	23
pt 9 hdg .....	pt 5 hdg
9.2 .....	24
9.3 .....	25
pt 10 hdg .....	pt 6 hdg
10.1 .....	26
10.2 .....	27
pt 11 hdg .....	pt 7 hdg
11.5 .....	28
11.9 .....	29
pt 12 hdg .....	pt 8 hdg
12.1 .....	30
CHAPTER 2	
201.1 .....	31
201.2 .....	32
201.3 .....	33
201.4 .....	34
202.1 .....	35
202.1(1A) .....	35(2)
202.1(2) .....	35(3)
202.1(3) .....	35(4)
202.1(4) .....	35(5)
202.1(5) .....	35(6)
202.1(6) .....	35(7)
202.2 .....	36
202.3 .....	37
202.4 .....	38
202.4(1A) .....	38(2)
202.4(2) .....	38(3)
202.5 .....	39
202.6 .....	40
202.6(1A) .....	40(2)
202.6(2) .....	40(3)
203.1 .....	41
203.2 .....	42
204.1 .....	43
204.2 .....	44
204.3 .....	45
204.4 .....	46
204.4(2A) .....	46(3)
204.4(2B) .....	46(4)
204.4(2C) .....	46(5)
204.4(3) .....	46(6)
204.4(4) .....	46(7)
204.5 .....	47

*Superannuation (State Public Sector) Deed 1990*


---

204.6	48
204.6(2A)	48(3)
204.6(3)	48(4)
204.7	49
204.8	50
204.8(5A)	50(6)
204.8(6)	50(7)
204.9	51
204.10	52
204.10(3A)	52(4)
204.10(3B)	52(5)
204.10(3C)	52(6)
204.10(4)	52(7)
204.11	53
204.11(1AA)	53(2)
204.11(2)	53(3)
204.11(3)	53(4)
204.12	54
204.13	55
205.1	56
205.2	57
205.3	58
206.1	59
206.2	60
206.3	61
206.4	62
207.1	63
207.2	64
207.3	65
207.3(1A)	65(2)
207.3(2)	65(3)
207.3(3)	65(4)
207.3(4)	65(5)
207.4	66
207.4(2A)	66(3)
207.4(3)	66(4)
207.4(4)	66(5)
207.4(5)	66(6)
207.4(6)	66(7)
207.4(7)	66(8)
CHAPTER 3	
301.1	67
301.2	68
302.1	69
302.2	70
303.1	71

*Superannuation (State Public Sector) Deed 1990*


---

303.2	72
303.3	73
303.4	74
303.5	75
303.6	76
303.7	77
303.7(1A)	77(2)
303.7(1B)	77(3)
303.7(2)	77(4)
303.7(3)	77(5)
303.8	78
304.1	79
304.1(e)	79(d)
304.1(g)	79(e)
304.2	80
304.3	81
304.4	82
304.5	83
304.6	84
304.7	85
304.8	86
304.9	87
304.10	88
304.11	89
305.1	90
305.1(3)	90(2)
305.1(4)	90(3)
305.2	91
CHAPTER 4	
4	92
4(1A)	92(2)
4(1B)	92(3)
4(2)	92(4)
pt 3 hdg	pt 2 hdg
20	93
20(3)	93(2)
20(3A)	93(3)
20(3B)	93(4)
20(3C)	93(5)
20(3D)	93(6)
20(3E)	93(7)
20(4)	93(8)
20(5)	93(9)
21	94
22	95
22(3)	95(2)

*Superannuation (State Public Sector) Deed 1990*

22(4) . . . . .	95(3)
22(4)(ca) . . . . .	95(3)(d)
22(4)(d) . . . . .	95(3)(e)
22(6) . . . . .	95(4)
22(7) . . . . .	95(5)
22(8) . . . . .	95(6)
22(9) . . . . .	95(7)
22(10) . . . . .	95(8)
22A . . . . .	96
23 . . . . .	97
24 . . . . .	98
25 . . . . .	99
26 . . . . .	100
26(1A) . . . . .	100(2)
26(1B) . . . . .	100(3)
26(1C) . . . . .	100(4)
26(2) . . . . .	100(5)
26(3) . . . . .	100(6)
26(4) . . . . .	100(7)
26A . . . . .	101
27 . . . . .	102
div 3A hdg . . . . .	div 4 hdg
27A . . . . .	103
27A(3)(b) . . . . .	103(3)(a)
27B . . . . .	104
27C . . . . .	105
27D . . . . .	106
27E . . . . .	107
div 4 hdg . . . . .	div 5 hdg
28 . . . . .	108
28(1A) . . . . .	108(2)
28(2) . . . . .	108(3)
pt 4 hdg . . . . .	pt 3 hdg
div 1A hdg . . . . .	div 1 hdg
28A . . . . .	109
div 1 hdg . . . . .	div 2 hdg
29 . . . . .	110
30 . . . . .	111
30(3A) . . . . .	111(4)
30(4) . . . . .	111(5)
div 2 hdg . . . . .	div 3 hdg
31 . . . . .	112
32 . . . . .	113
32(3) . . . . .	113(2)
32A . . . . .	114
div 3 hdg . . . . .	div 4 hdg

*Superannuation (State Public Sector) Deed 1990*


---

33 .....	115
34 .....	116
34A .....	117
34B .....	118
34C .....	119
div 4 hdg .....	div 5 hdg
35 .....	120
36 .....	121
36(1A) .....	121(2)
36(2) .....	121(3)
36(2A) .....	121(4)
36(3) .....	121(5)
36(4) .....	121(6)
div 5 hdg .....	div 6 hdg
37 .....	122
38 .....	123
38(1A) .....	123(2)
38(2) .....	123(3)
38(2A) .....	123(4)
38(3) .....	123(5)
38A .....	124
39 .....	125
div 5A hdg .....	div 7 hdg
39A .....	126
39A(2)(b) .....	126(2)(a)
39A(2)(c) .....	126(2)(b)
39A(2)(d) .....	126(2)(c)
39B .....	127
39C .....	128
39C(4A) .....	128(5)
39C(5) .....	128(6)
39C(6) .....	128(7)
39C(7) .....	128(8)
div 6 hdg .....	div 8 hdg
40 .....	129
41 .....	130
42 .....	131
43 .....	132
43B .....	133
43B(8A) .....	133(9)
43B(9) .....	133(10)
43B(10) .....	133(11)
43B(11) .....	133(12)
43B(12) .....	133(13)
43C .....	134
43D .....	135



*Superannuation (State Public Sector) Deed 1990*


---

43D(2A) .....	135(3)
43D(2B) .....	135(4)
43D(3) .....	135(5)
43E .....	136
43F .....	137
44 .....	138
45 .....	139
45(2A) .....	139(3)
45(3) .....	139(4)
45(4) .....	139(5)
45(5) .....	139(6)
46 .....	140
47 .....	141
pt 5 hdg .....	pt 4 hdg
49 .....	142
50 .....	143
51 .....	144
51(5B) .....	144(4)
51(6) .....	144(5)
51(7) .....	144(6)
53 .....	145
53(5) .....	145(4)
53(7) .....	145(5)
div 5 hdg .....	div 4 hdg
55 .....	146
56 .....	147
div 6 hdg .....	div 5 hdg
57 .....	148
57(3A) .....	148(4)
57(4) .....	148(5)
57(5) .....	148(6)
57(6) .....	148(7)
57(7) .....	148(8)
57(8) .....	148(9)
div 10 hdg .....	div 6 hdg
67 .....	149
67(f) .....	149(d)
67(g) .....	149(e)
67(h) .....	149(f)
div 12 hdg .....	div 7 hdg
69 .....	150
div 14 hdg .....	div 8 hdg
71 .....	151
72 .....	152
72(1A) .....	152(2)
72(2) .....	152(3)

*Superannuation (State Public Sector) Deed 1990*


---

73 .....	153
pt 5A hdg .....	pt 5 hdg
73A .....	154
73B .....	155
73B(7) .....	155(6)
73B(8) .....	155(7)
73B(9) .....	155(8)
73C .....	156
73C(1A) .....	156(2)
73C(2) .....	156(3)
73C(3) .....	156(4)
73D .....	157
76 .....	158
76(1A) .....	158(2)
76(1B) .....	158(3)
76(2) .....	158(4)
76(3) .....	158(5)
77 .....	159
77A .....	160
77A(2A) .....	160(3)
77A(3) .....	160(4)
77A(3A) .....	160(5)
77A(3B) .....	160(6)
77A(4) .....	160(7)
77A(5) .....	160(8)
77A(6) .....	160(9)
77A(6A) .....	160(10)
77A(7) .....	160(11)
77A(7A) .....	160(12)
77A(8) .....	160(13)
77A(8A) .....	160(14)
77A(8B) .....	160(15)
77A(8C) .....	160(16)
77A(8D) .....	160(17)
77A(9) .....	160(18)
77A(9A) .....	160(19)
77A(10) .....	160(20)
77B .....	161
77B(2A) .....	161(3)
77B(3) .....	161(4)
77B(4) .....	161(5)
77B(5) .....	161(6)
77B(6) .....	161(7)
77B(6A) .....	161(8)
77B(7) .....	161(9)
77B(7A) .....	161(10)

*Superannuation (State Public Sector) Deed 1990*


---

77B(8) .....	161(11)
77B(9) .....	161(12)
77B(10) .....	161(13)
77C .....	162
79 .....	163
79A .....	164
CHAPTER 5	
4 .....	165
4(9) .....	165(8)
4(9AA) .....	165(9)
4(9A) .....	165(10)
4A .....	166
pt 3 hdg .....	pt 2 hdg
20 .....	167
20(3) .....	167(2)
20(4) .....	167(3)
20(5) .....	167(4)
20(7) .....	167(5)
20(7A) .....	167(6)
20(7B) .....	167(7)
20(7C) .....	167(8)
21 .....	168
22 .....	169
22(1A) .....	169(2)
22(2) .....	169(3)
22(2A) .....	169(4)
22(2B) .....	169(5)
22(3) .....	169(6)
22(4) .....	169(7)
22(4AA) .....	169(8)
22(4A) .....	169(9)
22(4B) .....	169(10)
22(5) .....	169(11)
22(6) .....	169(12)
22(7) .....	169(13)
22(8) .....	169(14)
23 .....	170
24 .....	171
24(4A) .....	171(5)
24(4B) .....	171(6)
24(5) .....	171(7)
24(6) .....	171(8)
24(6A) .....	171(9)
24(6B) .....	171(10)
24(6C) .....	171(11)
24(7) .....	171(12)

*Superannuation (State Public Sector) Deed 1990*


---

24(8) . . . . .	171(13)
24(9) . . . . .	171(14)
24A . . . . .	172
24A(3) . . . . .	172(2)
24A(5) . . . . .	172(3)
25 . . . . .	173
25(4)(a)(ii) . . . . .	173(4)(a)(i)
25(4)(a)(iii) . . . . .	173(4)(a)(ii)
25(4)(a)(iv) . . . . .	173(4)(a)(iii)
25(4)(b)(ii) . . . . .	173(4)(b)(i)
25(4)(b)(iii) . . . . .	173(4)(b)(ii)
25(4)(b)(iv) . . . . .	173(4)(b)(iii)
25A . . . . .	174
25A(2A) . . . . .	174(3)
25A(3) . . . . .	174(4)
25A(4) . . . . .	174(5)
pt 4 hdg . . . . .	pt 3 hdg
div 1A hdg . . . . .	div 1 hdg
25B . . . . .	175
div 1 hdg . . . . .	div 2 hdg
26 . . . . .	176
27 . . . . .	177
27(5A) . . . . .	177(6)
27(6) . . . . .	177(7)
27(7) . . . . .	177(8)
27(8) . . . . .	177(9)
28 . . . . .	178
28(6) . . . . .	178(5)
28(7) . . . . .	178(6)
29 . . . . .	179
29(4) . . . . .	179(3)
29(4A) . . . . .	179(4)
30 . . . . .	180
30(4) . . . . .	180(3)
30(4A) . . . . .	180(4)
30A . . . . .	181
30B . . . . .	182
30C . . . . .	183
30C(2)(b) . . . . .	183(2)(a)
30E . . . . .	184
div 2 hdg . . . . .	div 3 hdg
31 . . . . .	185
31A . . . . .	186
31A(1)(a) "B"(A) . . . . .	186(1)(a) "B"(i)
31A(1)(a) "B"(B) . . . . .	186(1)(a) "B"(ii)
31A(7A) . . . . .	186(8)

*Superannuation (State Public Sector) Deed 1990*


---

31A(8) .....	186(9)
31A(9) .....	186(10)
31B .....	187
div 3 hdg .....	div 4 hdg
32 .....	188
32(3A) .....	188(4)
32(3B) .....	188(5)
32(4) .....	188(6)
32(5) .....	188(7)
32(6) .....	188(8)
32(6A) .....	188(9)
32(7) .....	188(10)
32(8) .....	188(11)
33 .....	189
34 .....	190
div 4 hdg .....	div 5 hdg
35 .....	191
35(1)(aa) .....	191(1)(b)
35(1)(b) .....	191(1)(c)
35(1)(c) .....	191(1)(d)
35(1)(d) .....	191(1)(e)
35(2AA) .....	191(3)
35(2A) .....	191(4)
35(2B) .....	191(5)
35(2BAA) .....	191(6)
35(2BB) .....	191(7)
35(2C) .....	191(8)
35(2CA) .....	191(9)
35(2D) .....	191(10)
35(2E) .....	191(11)
35(3) .....	191(12)
35(3)(f) .....	191(12)(a)
35(3)(g) .....	191(12)(b)
35(3)(h) .....	191(12)(c)
35(4) .....	191(13)
35(5) .....	191(14)
35(6) .....	191(15)
div 5 hdg .....	div 6 hdg
36A .....	192
36C .....	193
36C(2A) .....	193(3)
36C(2B) .....	193(4)
36C(3) .....	193(5)
div 6 hdg .....	div 7 hdg
37 .....	194
38 .....	195

*Superannuation (State Public Sector) Deed 1990*


---

39	196
40	197
40A	198
41	199
42	200
43	201
43(2A)	201(3)
43(3)	201(4)
43(4)	201(5)
44	202
45	203
46	204
div 7 hdg	div 8 hdg
47	205
47(2A)	205(3)
47(2AB)	205(4)
47(3)	205(5)
47(4)	205(6)
47(5)	205(7)
47(6)	205(8)
47(7)	205(9)
47(8)	205(10)
47(8A)	205(11)
47(8AA)	205(12)
47(8B)	205(13)
47(9)	205(14)
47(9A)	205(15)
47(12)	205(16)
48	206
pt 5 hdg	pt 4 hdg
51	207
51(1AA)	207(2)
51(1A)	207(3)
51(1B)	207(4)
51(1C)	207(5)
51(1D)	207(6)
51(1E)	207(7)
51(1F)	207(8)
pt 6 hdg	pt 5 hdg
55	208
64	209
64A	210
64B	211
64B(3A)	211(4)
64B(4)	211(5)
64B(5)	211(6)

*Superannuation (State Public Sector) Deed 1990*


---

64B(6) .....	211(7)
65 .....	212
69 .....	213
pt 7 hdg .....	pt 6 hdg
73 .....	214
73(3) .....	214(1)
73(3A) .....	214(2)
73(4) .....	214(3)
73(5) .....	214(4)
73(6) .....	214(5)
73(7) .....	214(6)
CHAPTER 6	
4 .....	215
4(2A) .....	215(3)
4(3) .....	215(4)
pt 3 hdg .....	pt 2 hdg
22 .....	216
22(1A) .....	216(2)
22(4) .....	216(3)
22(5) .....	216(4)
22(6) .....	216(5)
22(7) .....	216(6)
22(8) .....	216(7)
22(9) .....	216(8)
22(10) .....	216(9)
22(10A) .....	216(10)
23 .....	217
24 .....	218
24(4) .....	218(3)
24(5) .....	218(4)
24(6) .....	218(5)
24(7) .....	218(6)
24(8) .....	218(7)
24(9) .....	218(8)
26 .....	219
27 .....	220
28 .....	221
29 .....	222
30 .....	223
30(1A) .....	223(2)
30(1B) .....	223(3)
30(1C) .....	223(4)
30(2) .....	223(5)
30(3) .....	223(6)
30(4) .....	223(7)
30A .....	224

*Superannuation (State Public Sector) Deed 1990*


---

31	225
31(7)	225(3)
31(8)	225(4)
31(9)	225(5)
31(10)	225(6)
31(13)	225(7)
31(14)	225(8)
31(15)	225(9)
31(16)	225(10)
31A	226
32	227
33	228
34	229
35	230
35A	231
36	232
pt 4 hdg	pt 3 hdg
div 1A hdg	div 1 hdg
36A	233
div 1 hdg	div 2 hdg
37	234
38	235
div 2 hdg	div 3 hdg
39	236
39(6)	236(5)
39(7)	236(6)
40	237
40A	238
div 3 hdg	div 4 hdg
41	239
42	240
42A	241
42B	242
div 4 hdg	div 5 hdg
43	243
44	244
44(1A)	244(2)
44(2)	244(3)
44(3)	244(4)
44(4)	244(5)
44(5)	244(6)
div 5 hdg	div 6 hdg
45	245
46	246
46(3A)	246(4)
46(4)	246(5)



*Superannuation (State Public Sector) Deed 1990*


---

46A .....	247
47 .....	248
div 5A hdg .....	div 7 hdg
47A .....	249
47A(2)(b) .....	249(2)(a)
47A(2)(c) .....	249(2)(b)
47A(2)(d) .....	249(2)(c)
47B .....	250
47B(1)(b) .....	250(1)(a)
47C .....	251
47C(4A) .....	251(4)
div 6 hdg .....	div 8 hdg
48 .....	252
49 .....	253
50 .....	254
51 .....	255
51B .....	256
51C .....	257
51D .....	258
51D(2A) .....	258(3)
51D(2B) .....	258(4)
51D(3) .....	258(5)
52 .....	259
53 .....	260
54 .....	261
55 .....	262
pt 5 hdg .....	pt 4 hdg
57 .....	263
58 .....	264
58(6) .....	264(4)
58(6A) .....	264(5)
58(6B) .....	264(6)
58(6E) .....	264(7)
58(6F) .....	264(8)
58(7) .....	264(9)
59 .....	265
61 .....	266
62 .....	267
63 .....	268
64 .....	269
65 .....	270
65B .....	271
65C .....	272
65C(2A) .....	272(3)
65C(2B) .....	272(4)
65C(3) .....	272(5)

---

66 .....	273
67 .....	274
div 5 hdg .....	div 4 hdg
69 .....	275
pt 6 hdg .....	pt 5 hdg
70 .....	276
72 .....	277
74 .....	278
79A .....	279
79A(3) .....	279(2)
79A(3A) .....	279(3)
CHAPTER 7	
4 .....	280
4(7A) .....	280(8)
4A .....	281
pt 3 hdg .....	pt 2 hdg
21 .....	282
21(3AA) .....	282(4)
21(3A) .....	282(5)
21(3B) .....	282(6)
21(3C) .....	282(7)
22 .....	283
23 .....	284
23(2A) .....	284(3)
23(2B) .....	284(4)
23(3) .....	284(5)
23(4) .....	284(6)
23(5) .....	284(7)
23(6) .....	284(8)
23(7) .....	284(9)
23(7A) .....	284(10)
23(7B) .....	284(11)
23(8) .....	284(12)
23(9) .....	284(13)
24 .....	285
24(3A) .....	285(3)
24(4A) .....	285(5)
24(5) .....	285(6)
24(6) .....	285(7)
24(7) .....	285(8)
24(8) .....	285(9)
24(9) .....	285(10)
24(10) .....	285(11)
24(11) .....	285(12)
24(12) .....	285(13)
24A .....	286

*Superannuation (State Public Sector) Deed 1990*


---

24A(3) .....	286(2)
24A(5) .....	286(3)
25 .....	287
25(4)(a)(ii) .....	287(4)(a)(i)
25(4)(a)(iii) .....	287(4)(a)(ii)
25(4)(a)(iv) .....	287(4)(a)(iii)
25(4)(b)(ii) .....	287(4)(b)(i)
25(4)(b)(iii) .....	287(4)(b)(ii)
25(4)(b)(iv) .....	287(4)(b)(iii)
25(8) .....	287(5)
pt 4 hdg .....	pt 3 hdg
div 1A hdg .....	div 1 hdg
25A .....	288
div 1 hdg .....	div 2 hdg
26 .....	289
27 .....	290
27(1A) .....	290(2)
27(2) .....	290(3)
27(2A) .....	290(4)
27(4) .....	290(5)
27(5) .....	290(6)
27(6) .....	290(7)
27(6A) .....	290(8)
27(6AA) .....	290(9)
27(6B) .....	290(10)
27(7) .....	290(11)
28 .....	291
28(2A) .....	291(3)
28A .....	292
28A(2)(b) .....	292(2)(a)
28B .....	293
div 2 hdg .....	div 3 hdg
29 .....	294
29(1A) .....	294(2)
29(1B) .....	294(3)
29(2) .....	294(4)
29(2A) .....	294(5)
29(3) .....	294(6)
29(4) .....	294(7)
29(5) .....	294(8)
29(6) .....	294(9)
29(7) .....	294(10)
29A .....	295
29A(1A) .....	295(2)
29A(2) .....	295(3)
29A(3) .....	295(4)

*Superannuation (State Public Sector) Deed 1990*


---

29A(4) .....	295(5)
29A(5) .....	295(6)
29A(6) .....	295(7)
29A(7) .....	295(8)
29A(7A) .....	295(9)
29A(8) .....	295(10)
div 3 hdg .....	div 4 hdg
30 .....	296
30(2)(ga) .....	296(2)(h)
30(2)(h) .....	296(2)(i)
30(2)(i) .....	296(2)(j)
30(3A) .....	296(4)
30(3B) .....	296(5)
30(4) .....	296(6)
30(5) .....	296(7)
30(5A) .....	296(8)
30(6) .....	296(9)
30(6A) .....	296(10)
31 .....	297
32 .....	298
div 4 hdg .....	div 5 hdg
33 .....	299
33(2AA) .....	299(3)
33(2A) .....	299(4)
33(2AAA) .....	299(5)
33(2B) .....	299(6)
33(2BAA) .....	299(7)
33(2BB) .....	299(8)
33(2C) .....	299(9)
33(2CA) .....	299(10)
33(2D) .....	299(11)
33(2E) .....	299(12)
33(4) .....	299(13)
div 5 hdg .....	div 6 hdg
34 .....	300
34(8A) .....	300(9)
34(9) .....	300(10)
34(10) .....	300(11)
34(11) .....	300(12)
34(12) .....	300(13)
34A .....	301
34A(2A) .....	301(3)
34A(2B) .....	301(4)
34A(3) .....	301(5)
div 6 hdg .....	div 7 hdg
35 .....	302

*Superannuation (State Public Sector) Deed 1990*


---

36	303
37	304
38	305
39	306
40	307
41	308
42	309
43	310
44	311
div 7 hdg	div 8 hdg
45	312
45(2A)	312(3)
45(2B)	312(4)
45(3)	312(5)
45(4)	312(6)
45(5)	312(7)
45(6)	312(8)
45(7)	312(9)
45(8)	312(10)
45(8A)	312(11)
45(9)	312(12)
46	313
pt 5 hdg	pt 4 hdg
49	314
49(1A)	314(2)
49(1B)	314(3)
49(1C)	314(4)
pt 6 hdg	pt 5 hdg
52	315
60	316
61	317
65	318
pt 7 hdg	pt 6 hdg
69	319
69(3)	319(1)
69(4)	319(2)
69(5)	319(3)
69(6)	319(4)
69(7)	319(5)
CHAPTER 8	
801.1	320
801.2	321
802.1	322
802.2	323
802.3	324
802.4	325

802.5 .....	326
802.6 .....	327
803.1 .....	328
803.1(f) .....	328(d)
803.2 .....	329
804.1 .....	330
804.2 .....	331
CHAPTER 9	
901.1 .....	332
901.2 .....	333
902.1 .....	334
902.2 .....	335
903.1 .....	336
903.2 .....	337
903.3 .....	338
903.4 .....	339
903.5 .....	340
904.1 .....	341
904.2 .....	342