

Queensland



ANNO NONODECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 1 of 1970

**An Act to Provide Contributory Superannuation Benefits for
Members of the Legislative Assembly and for other
purposes**

[ASSENTED TO 2ND APRIL, 1970]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. (1) This Act may be cited as the *Parliamentary Contributory Superannuation Act 1970*.

(2) This Act shall come into operation on the day on which it receives the Royal Assent.

2. Parts of Act. This Act is divided into Parts, as follows:—

PART I—PRELIMINARY (ss. 1–5);

PART II—ADMINISTRATION (ss. 6–14);

PART III—CONTRIBUTIONS, BENEFITS AND PAYMENTS (ss. 15–25);

PART IV—TRANSITIONAL (ss. 26–30);

PART V—MISCELLANEOUS (ss. 31–36).

3. Repeals. The several Acts mentioned in the Schedule to this Act are repealed.

4. Application of Act. This Act applies to and in relation to—

- (a) any person who is a member at the commencement of this Act and to whom *The Parliamentary Contributory Superannuation Fund Acts 1948 to 1967* applied immediately prior to that commencement;
- (b) any person who becomes a member on or after the commencement of this Act; and
- (c) any widow, female dependant and child or children of any person referred to in paragraph (a) or (b) of this section.

5. Meaning of terms. (1) In this Act unless inconsistent with the context or subject matter—

“Actuary” means a Fellow or Associate of the Institute of Actuaries (London), a Fellow or Associate of the Faculty of Actuaries (Edinburgh) or any other person of whose actuarial knowledge and experience the Governor in Council approves;

“Assembly” means the Legislative Assembly of Queensland;

“basic salary” means the annual salary payable under section 4 of *The Constitution Act Amendment Act of 1896* as in force for the time being or as theretofore in force to “every member of the Legislative Assembly”;

“election” means a general election or by-election for the Assembly;

“financial year” means the period commencing on the first day of July in any year and ending on the thirtieth day of June in the next following year;

“Fund” means the Parliamentary Contributory Superannuation Fund established and kept under this Act;

“member” means a member of the Assembly;

“salary” means in relation to a member the official salary payable to him as such member, and in the case of a member who is an officer in Parliament means the official salary payable to him as such officer, and in the case of a member who is an Officer of the Crown under and within the meaning of the *Officials in Parliament Act 1896–1969* or who is for the time being authorized and empowered under that Act to act in the office of any such Officer, means the official salary payable to him as such Officer or, as the case may be, acting Officer;

“trustee” means a trustee of the Fund;

“Treasurer” means the Treasurer of Queensland;

“widow” includes a widower.

(2) For the purposes of this Act a member shall be deemed not to have ceased to be a member by reason only of retirement by effluxion of time or the dissolution of the Assembly.

PART II—ADMINISTRATION

6. Parliamentary Contributory Superannuation Fund. (1) There shall be kept in the Treasury a fund to be called the Parliamentary Contributory Superannuation Fund.

(2) Income and accretions to capital derived from the investment of the Fund shall form part thereof.

(3) The management of the Fund and the exercise of any power or discretion in relation thereto shall be vested in the trustees.

7. Trustees of the Fund. (1) The trustees of the Fund shall be—

(a) the Premier of Queensland;

(b) the Speaker of the Assembly; and

(c) the member of the Assembly who is recognized as the Leader of the Opposition.

(2) The trustees shall under the name and style of “The Trustees of the Parliamentary Contributory Superannuation Fund” be a body corporate with perpetual succession and a common seal, capable in law of suing and being sued in its corporate name and shall, for the purposes of this Act, have power to take, hold, deal in and dispose of property of all kinds and to do and suffer all such other acts, matters and things as bodies corporate may by law do and suffer.

(3) All courts, judges and persons acting judicially shall take judicial notice of the respective signatures of the trustees and of the seal of the trustees affixed to any document and, until the contrary is proved, shall presume that every such signature or such seal, as the case may be, was duly affixed to the document.

(4) If a trustee ceases to be the holder of the office by virtue of which he became a trustee he shall nevertheless continue to be a trustee until his successor to that office is appointed but if, having ceased to be a member by reason of the expiration of his term of office as such member, any trustee is not re-elected as a member he may resign his office as trustee.

8. Meetings of trustees. (1) Meetings of the trustees shall be held at such times and shall be conducted in accordance with such procedure as the trustees from time to time determine.

(2) The decision of any two trustees at a meeting duly notified to all of the trustees shall be binding.

9. Appointment of deputies. (1) A trustee may, in writing, appoint a person to be his deputy.

(2) A deputy appointed pursuant to subsection (1) of this section shall, in the event of the absence from any cause whatsoever from any meeting of the trustees of the trustee for whom he is deputy, have all powers of that trustee during his absence.

10. Administration. (1) The Treasurer may make available to the trustees the services of an officer of his Department for the purpose of assisting the trustees in the administration of this Act.

(2) The cost of the administration of this Act shall be paid out of the Fund.

11. Payments into and out of the Fund. (1) Into the Fund there shall—

- (a) be transferred the moneys and investments that immediately before the commencement of this Act, constituted The Parliamentary Contributory Superannuation Fund established and kept under *The Parliamentary Contributory Superannuation Fund Acts 1948 to 1967*;
- (b) be paid all deductions from the salaries of members made pursuant to Part III of this Act;
- (c) be paid payments by the Crown provided for by this Act; and
- (d) be paid all moneys howsoever arising by reason of investment of the Fund.

(2) Out of the Fund there shall be paid all pensions, annuities and other payments provided for in this Act.

12. Investment of Fund. (1) The Fund may be invested to the extent and in the manner determined by the trustees in any investments that may be recommended by the Treasurer either generally or in a particular case and shall not be invested in any other manner provided that, at all times, a sum not less than thirty per cent of the total investible funds shall be invested in any securities of, or guaranteed by, the Government of the Commonwealth or the State.

(2) The income of the Fund shall not be subject to any tax imposed by any law of this State.

(3) The trustees may borrow for the Fund from the Treasurer and the Treasurer may lend to the Fund out of the cash balance for the time being in the Treasury moneys not exceeding two-thirds of the amount of, and on the security of, the securities in which the Fund is invested pursuant to this Act.

(4) Every sum borrowed under subsection (3) of this section shall be a temporary advance at interest at a rate determined by the Treasurer and shall be repaid out of the Fund by the trustees to the Treasurer together with accrued interest not later than the thirtieth day of June in the financial year next following the financial year in which the amount was borrowed.

13. Investigation by actuary. (1) An investigation as to the state and sufficiency of the Fund shall be made before the expiration of three years after the commencement of this Act, and thereafter periodically so that there shall not be a period longer than three years between successive such investigations.

(2) The investigation shall be made by an actuary approved by the trustees.

(3) The actuary shall report to the trustees the result of his investigations and the trustees may act as they deem advisable with respect to any recommendation made by the actuary in such report.

14. Accounts and audit. (1) The trustees shall keep complete and proper accounts of all their financial transactions.

(2) In each financial year the accounts of the trustees shall be audited by the Auditor-General and copies of the accounts shall be laid before the Assembly.

PART III—CONTRIBUTIONS, BENEFITS AND PAYMENTS

15. Deductions from salaries of members. From each instalment of salary paid to a member or person who, having ceased to be a member, is in receipt of salary (commencing in the case of persons who are members at the date of commencement of this Act with the first such instalment made after that date) there shall be deducted an amount equal to $11\frac{1}{2}$ per centum of the gross amount of the instalment before any deductions.

16. Contribution by Crown. (1) The Treasurer shall pay into the Fund—

- (a) not later than fourteen days after the end of each month, a sum equal to sixty-five thirty-fifths of the contributions paid or payable during that month under section 15 of this Act;
- (b) in respect of each financial year such sum as, when added to—
 - (i) interest or dividends from investments accrued to the Fund during the year in question; and
 - (ii) capital gains (less capital losses) resulting from the revaluation, sale or redemption of investments and credited to the Fund during the year in question, will provide an earning rate of not less than—
 - (iii) five and one-half per centum per annum;
 - (iv) plus such percentage per annum as may be certified by an actuary approved by the trustees to be necessary to make proper provision for the effect on benefits of any future increases in the basic salary and to meet costs arising out of section 25 of this Act; and
- (c) from time to time and in such instalments as the Treasurer may determine such additional sum or sums as an actuary approved by the trustees may certify to be necessary in order to make proper provision for payment out of the Fund of benefits payable under this Act.

(2) For the purposes of paragraph (b) of subsection (1) of this section, the earning rate shall be determined by dividing one hundred times the interest or dividends from investments accrued to the Fund in the year in question and capital gains (less capital losses) resulting from the revaluation, sale or redemption of investments and credited to the Fund during the year in question (plus any sum payable by the Treasurer under the said paragraph (b)) by the average of the investible moneys in the Fund in that year less one-half of the said interest or dividends and capital gains accrued to the Fund in that year (plus any sum payable by the Treasurer under the said paragraph (b)).

(3) Payments to be made under this Act by the Treasurer into the Fund shall be paid from the Consolidated Revenue Fund which is hereby appropriated accordingly.

17. Members' superannuation benefit. (1) Subject to this Act a person who has received salary as a member (either after or partly before and partly after the commencement of this Act)—

- (a) for an aggregate period of eleven years or more; or
- (b) for an aggregate period of eight years or more and ceases to be a member as the result of defeat at an election or, being a representative of a recognised political party, as the result of not standing for re-election by reason that such party has not selected him to so stand or as the result of resignation for, or of not seeking re-election owing to, good and sufficient reasons which satisfy the trustees

shall, on ceasing to be a member and to be entitled to payment of salary, be entitled to be paid out of the Fund an annual pension at the rate ascertained in accordance with the formula $A \times \frac{B}{C}$ where—

A is an amount calculated at the rate of forty-one and one-fifth per centum of the basic salary in force immediately prior to the time at which he ceased to be a member and, in respect of each month of service as a member exceeding eight years, one-fifth per centum of that basic salary but such amount shall not be at a rate greater than seventy per centum of the basic salary at that time;

B is the total salary received by that person pursuant to the provisions as in force from time to time of *The Constitution Act Amendment Act of 1896* as amended or *The Officials in Parliament Act of 1896* as amended; and

C is the total basic salary in respect of the period of service of that person in the Assembly.

(2) Subject to this Act a person who ceases to be a member other than by reason of death and who is not entitled to a pension under this Act shall be entitled to have refunded to him the amounts deducted under this Act or any corresponding previous enactment from salary paid to him together with simple interest thereon at the rate of three and one-half per centum per annum to the date on which he ceased to be a member less any amount previously refunded to him under this subsection or under any corresponding previous enactment.

(3) Subject to this Act where a member dies while serving as a member and that member is not survived by a widow or a pension to a female dependant under section 22 of this Act or payments in respect of a child or children under section 21 of this Act are not payable in respect of that member the personal representative of that member shall be entitled to have refunded to him the amounts deducted under this Act or any corresponding previous enactment from the salary paid to the member together with simple interest thereon at the rate of three and one-half per centum per annum to the date of death less any amount previously refunded to the member under subsection (2) of this section or under any corresponding previous enactment.

(4) Where any refund of contributions is or was made under subsection (2) of this section or any corresponding previous enactment to a member, and where that member becomes entitled to a pension under subsection (1) of this section or under section 19 of this Act the payment of the pension or other benefit under this Act shall, unless the amount of that refund of contributions is or has been paid into the Fund

or into the Fund constituted under a corresponding previous enactment, be suspended until such time as the aggregate of the pension or other benefit which would have been payable apart from this subsection would, if so paid, equal the amount of the refund of contributions received by that member or if such pension is commuted pursuant to section 18 of this Act the commutation value shall be reduced by the amount of that refund of contribution.

18. Right to convert entitlement to lump sum entitlement. (1) Notwithstanding anything in this Act a former member who is entitled to a pension under section 17 of this Act and who is under the age of seventy-five years at the time of ceasing to be a member may within the period of three months after ceasing to be a member, elect by notice in writing served on the trustees to convert the whole or any part of his pension entitlement to a lump sum payment determined in accordance with subsection (2) of this section.

(2) A lump sum payment under subsection (1) of this section shall be—

- (i) in the case of a person under the age of sixty-six years on the date on which he became entitled to a pension under section 17 of this Act, the amount of the annual pension entitlement in respect of which the election is made, multiplied by ten;
- (ii) in the case of a person who is sixty-six years or over on the date on which he became entitled to a pension under section 17 of this Act, the amount of the annual pension entitlement in respect of which the election is made multiplied by ten less half of the difference between the number of years of his age on the said date and sixty-five.

(3) A former member who makes an election under subsection (1) of this section shall be entitled to receive a lump sum payment calculated under subsection (2) of this section and from the date of payment of that lump sum the annual pension payable to that former member shall be reduced by the amount of annual pension in respect of which the election was made.

(4) The provisions of this section do not apply to a person who is entitled to a pension under section 19 of this Act.

(5) Where section 23 of this Act applies to a former member the part of his pension entitlement which he may elect to convert under this section shall be reduced by the amount that his annual pension is reduced pursuant to section 23 of this Act.

(6) Notwithstanding anything in this section, where the trustees are of opinion that, but for an election under subsection (1) of this section, the consequences referred to in subsection (1) of section 24 of this Act would become applicable in relation to a member within a period of twelve months after the commencement of his entitlement to a pension under section 17 of this Act, such an election by that member shall be deferred for such period not exceeding twelve months as the trustees may determine.

(7) The trustees may at any time reduce the period of deferment of an election under subsection (6) of this section.

(8) During the period of deferment of an election under subsection (6) of this section, the former member is entitled to payment of his annual pension entitlement under section 17 of this Act.

(9) If during the period of deferment of his election, a former member who made the election becomes a person to whom section 24 of this Act applies, he shall be deemed not to have made the election under this section and he shall not be entitled to payment of any lump sum thereunder.

(10) Where during the period of deferment of an election under this section the former member by whom the election was made does not become a person to whom section 24 of this Act applies, the lump sum that would have been payable under subsection (2) of this section but for the deferment less the amount paid to the former member pursuant to subsection (8) of this section shall become payable to him.

19. Pension on retirement on ground of ill-health. (1) A person who becomes a member after the commencement of this Act may furnish to the satisfaction of the trustees a certificate of a legally qualified medical practitioner who has been approved by the trustees certifying that the member is in a state of good health.

(2) Where a member who has furnished a certificate pursuant to subsection (1) of this section or where a person who was a member at the commencement of this Act satisfies the trustees that he has ceased to be a member because he has been rendered incapable of being a member by reason of ill-health he shall, subject to subsection (3) of this section and provided he does not qualify for pension entitlement under section 17 of this Act, be entitled to a pension calculated in accordance with the formula specified in subsection (1) of that section.

(3) A person who applies to the trustees under this section shall provide the trustees with such medical reports and other evidence as they may require.

20. Pension for widows. (1) On the death of a person receiving, or who if he had not pursuant to section 18 of this Act converted the whole of his pension entitlement to a lump sum would have been entitled to receive a pension under the foregoing provisions of this Part the widow of that person shall until her death or re-marriage be entitled to an annual pension at the rate of—

- (a) five-eighths of the pension that became payable to her husband when he ceased to be a member or if her husband had pursuant to section 18 of this Act converted the whole or part of his pension entitlement to a lump sum payment, five-eighths of the pension that would have been payable to her husband when he so ceased if he had not so converted the whole or part of his pension; or

- (b) forty per cent. per annum of the basic salary at the time when he ceased to be a member,

whichever is the greater.

(2) On the death of a member who has served for an aggregate period of eight years, the widow of that person shall until her death or re-marriage be entitled to an annual pension at the rate of—

- (a) five-eighths of the pension that would have become payable to her husband but for his death if he had ceased to be a member on the date of his death and were entitled to a pension under section 17 of this Act; or
- (b) forty per cent. per annum of the basic salary at the time when he ceased to be a member,

whichever is the greater.

(3) On the death of a member before he has served for an aggregate period of eight years a pension shall be paid to his widow until her death or re-marriage at the rate of forty per centum per annum of the basic salary at the time of his death.

(4) Where payment of a pension or other benefit to a person—

- (a) is suspended pursuant to subsection (4) of section 17 of this Act; or
- (b) in the case of a member, would be so suspended upon his ceasing to be a member,

and his widow becomes entitled to a pension under this Act the payment of the pension to the widow shall likewise be suspended for the period or the balance of the period (as the case requires) for which the pension or other benefit would have been suspended under subsection (4) of section 17 of this Act if the pension had been payable to the former member.

(5) In this Act "widow" does not include a woman who married a former member after he had finally ceased to be a member.

(6) Subject to subsection (7) of this section where a widow to whom this section applies remarries and subsequently again becomes a widow, she shall be entitled to pension benefit at the same rate as she would be receiving had she not remarried as from the date of the death of the husband of her re-marriage until her death or if she again remarries until her further re-marriage.

(7) Subsection (6) of this section does not entitle a widow to derive pension through more than one member or person who has ceased to be a member and where but for this subsection she would be so entitled she shall be deemed to derive her sole entitlement to pension through the person through whom she would derive the greatest entitlement to pension.

21. Payments to children. (1) Subject to this section, on the death:—

- (a) of a person receiving, or who if he had not pursuant to section 18 of this Act converted the whole of his pension entitlement to a lump sum would have been entitled to receive, a pension under section 17 or 19 of this Act; or
- (b) of a member,

leaving any child or children under the age of eighteen, or where the trustees are satisfied that he is or they are receiving full time education at a school, college or university twenty-one years, the trustees may, in their absolute discretion, make from the Fund payments in respect of the child or children.

(2) The trustees shall not make any payment from the Fund—

- (a) in respect of any child of a deceased member or person in respect of any period for which a pension is payable in respect of the widow of such member or person or, where pension under this Act has ceased to be payable to the widow of such member or person by reason of her re-marriage, during her lifetime; or
- (b) in respect of any child, in respect of any period after the child has attained the age of eighteen years, or where, in the case of any child over the age of eighteen years but under the age of twenty-one years, the trustees are satisfied that he or she is receiving full time education at a school, college or university in respect of any period after the child has attained the age of twenty-one years.

(3) The rate or aggregate of the rates of payment from the Fund in respect of any child or children shall not exceed the rate of the pension under this Act (including any increase in the rate pursuant to section 25 of this Act) which would be payable to the widow of the deceased member or person in question if she were alive and entitled to such pension.

(4) Payment from the Fund under this section shall not be made in respect of a child or children the issue of a marriage contracted by a person after he had finally ceased to be a member.

(5) Payment under this section in respect of any particular child or children may be made as determined from time to time by the trustees and either to the guardian or, if deemed necessary or expedient by the trustees for the better maintenance, support or education of such child or children, in whole or in part to such person as the trustees determine.

(6) The trustees shall not be under any obligation or duty to inquire into or see to the proper application of any moneys paid from the Fund under this section.

22. Payment to female dependent. (1) At any time when a member, or person who has ceased to be a member, who has no spouse is contributing to the Fund as prescribed by section 15 of this Act, such member or person may notify in writing the trustees—

- (a) that he has no spouse; and
- (b) that a female member of his family who is his mother, sister or daughter is his housekeeper and is being totally or mainly maintained by him.

(2) Upon the death of a—

- (a) member; or
- (b) person who has ceased to be a member before his death and who, at the time of his death, is in receipt of, or if he had not pursuant to section 18 of this Act converted the whole of his pension entitlement to a lump sum would have been entitled to receive, a pension under this Act,

who has given to the trustees as required by subsection (1) of this section the notice prescribed by that subsection, then, subject to subsections (3) and (4) of this section, the provisions of this Act shall apply with respect to the female named in such notice as if she were the widow of the deceased member or person in question and, in the latter case, as if she had married him before he ceased to be a member.

(3) The provisions of this Act shall not apply as prescribed by subsection (2) of this section unless in respect of the female in question the trustees are satisfied that—

- (a) at the time when the notice mentioned in subsection (1) of this section was given and thereafter until the date of death of the deceased member or person she was a member of his family and his housekeeper and was totally or mainly maintained by him; and
- (b) during a period or periods of or aggregating not less than five years during which the deceased member or person was a contributor to the Fund as prescribed by section 15 of this Act or any corresponding previous enactment she was a member of his family and his housekeeper and was totally or mainly maintained by him.

(4) The trustees shall set off against pension payable under this section in respect of any period any payment from the Fund made under section 21 of this Act in respect of that period to any child or children of the deceased member or person in question.

23. Provisions applicable when the person becomes a member after receiving a pension as a former member. Notwithstanding anything in this Part where a person who on ceasing to be a member converted the whole or part of his pension entitlement to a lump sum payment under section 18 of this Act becomes a member on a subsequent date and that person again becomes entitled to a pension under section 17 of this Act the amount of the annual pension payable to him shall be reduced by the amount of annual pension entitlement in respect of which the conversion was made.

24. Reduction of pension in certain cases. (1) If a person (including a widow) who is receiving or is entitled to receive a pension under this Act—

- (a) becomes a member of the Parliament of the Commonwealth or of any State (including Queensland) and receives or is entitled to receive any salary or parliamentary allowance in the nature of salary in respect of his office as such member; or
- (b) holds any office or place of profit under the Crown, whether in Queensland or elsewhere, for which he is remunerated or entitled to be remunerated out of moneys of the Crown; or
- (c) is in receipt of, or is entitled to receive, a pension received or receivable by him by reason of having been a member of any such Parliament or having held any such office or place of profit; or
- (d) is in receipt of, or is entitled to receive, a pension received or receivable by her by reason of being the widow of a member of any such Parliament or of a person who has held any such office or place of profit,

the following consequences shall ensue, namely:—

- (e) if the salary or pension received by the person or to which the person is entitled as mentioned in paragraph (a), (b), (c) or (d) of this section is at a rate equal to or greater than his pension under this Part, pension under this Act shall not be payable so long as he receives or is entitled to receive the salary or pension firstmentioned.

(f) if the salary or pension firstmentioned in paragraph (a), (b), (c) or (d) of this subsection is at a rate less than that of his pension under this Part, the rate of his pension under this Part shall be reduced by the rate of the salary or pension so firstmentioned.

(2) Subsection (1) of this section shall not apply to or in relation to the receipt by any person (including any widow)—

(a) of any pension—

(i) payable by reason of that person (or, in the case of any widow, that widow or her deceased husband) having served with a Naval, Military, or Air Force of the Commonwealth, or of the United Kingdom, or of any other part of Her Majesty's dominions; or

(ii) payable, in the case of any widow, by reason of that widow having served in any capacity with or with any service forming part of any such Naval, Military, or Air Force, including service as medical practitioner, nurse, masseuse or otherwise; or

(b) of remuneration payable to him or her as an officer or member of any such Naval, Military, or Air Force where such remuneration is solely comprised of daily pay and he or she is not employed permanently or at an annual salary as such officer or member.

25. Increase in rates of pensions, etc. (1) Notwithstanding any other provision of this Part, a person who is entitled to receive pension under section 17, 19, 20 or 22 of this Act is entitled to an increase in the rate of that pension in accordance with this section.

(2) The increased rate of pension referred to in subsection (1) payable to the person in question from time to time shall be the rate ascertained in accordance with the formula—

$P(1 + .03T)$, where—

P is the rate of pension prescribed in relation to that person at the time in question by the provisions of this Part (other than this section); and

T is the number of periods each of twelve months that have elapsed between—

(a) the date on which the person to whom the pension in question is payable or through whom the entitlement to the pension is derived last ceased to be a member or to be entitled to salary (whether by reason of death or any other cause whatsoever) whichever last occurs; and

(b) the date at which the increased rate of pension is to be ascertained.

(3) A person entitled to receive pension under the provisions of this Act referred to in subsection (1) of this section is entitled to receive that pension at the increased rate thereof ascertained in accordance with this section in lieu of pension at the rate prescribed by those provisions.

PART IV—TRANSITIONAL

26. Annuity payable or to become payable under repealed Acts. (1)

The right and interest in respect of annuity that, before the commencement of this Act, became payable under any of the provisions of the repealed Acts specified in the Schedule to this Act to a person by reason of the person ceasing to be a member are, to the extent subsisting immediately prior to the date of commencement of this Act, hereby preserved and continued on and from that date and accordingly payment as necessary to give effect to this subsection shall be made from the Fund.

(2) Where immediately prior to the commencement of this Act a person who ceased to be a member but who was not entitled forthwith to payment of an annuity but had a right or claim under the provisions of the repealed Acts specified in the Schedule to this Act to the payment of annuity upon attaining a prescribed age, that person shall have the same right or claim to payment of annuity as that person would have had under those provisions if this Act had not been passed and the said provisions had continued in force and accordingly payments as necessary to give effect to this subsection may be made accordingly.

27. Annuity to widow's and female dependents payable or to become payable under repealed provisions. (1) The right and interest of a person in respect of annuity payable to the widow or female dependent of—

(a) a member who died; or

(b) a person who having ceased to be a member died,

that, before the commencement of this Act, became payable under any of the provisions of the repealed Acts specified in the Schedule to this Act to the widow or female dependent are, to the extent subsisting immediately prior to the date of commencement of this Act, hereby preserved and continued on and from that date and accordingly payments as necessary to give effect to this subsection shall be made from the Fund.

(2) Upon the death of a person to whom subsection (1) or (2) of section 26 of this Act applies, the widow, or as the case may be female dependent, of that person shall have the same right or claim to payment of annuity as she would have had under the provisions of the repealed Acts specified in the Schedule to this Act if this Act had not been enacted and the said provisions had continued in force and accordingly payments as necessary to give effect to this subsection shall be made from the Fund.

28. Payments in respect of a child or children. (1) The right and interest of a person in respect of sums payable in respect of a child or children of—

(a) a member who died; or

(b) a person who having ceased to be a member died,

that, before the commencement of this Act, became payable under any of the provisions of the repealed Acts specified in the Schedule to this Act to the child or children are to the extent subsisting immediately prior to the date of commencement of this Act hereby preserved and continued on and from that date and accordingly payments as necessary to give effect to this subsection shall be made from the Fund.

(2) Upon the death of a person to whom subsection (1) or (2) of section 26 of this Act applies, a child or children of that person shall have the same right or claim to payments in respect of a child or children as the child or children would have had under the provisions of the repealed Acts specified in the Schedule to this Act if this Act had

not been enacted and the said provisions had continued in force and accordingly payments as necessary to give effect to this subsection shall be made from the Fund.

29. Saving. To the extent necessary to give operation and effect to the provisions of this Part, the provisions of the repealed Acts specified in the Schedule to this Act (other than section 11A of *The Parliamentary Contributory Superannuation Fund Act of 1948* as amended) with respect to annuities and payments in respect of a child or children of a deceased member or person who had ceased to be a member shall, notwithstanding the repeal thereof, be deemed to remain in force.

30. Increase in rates of annuities, etc. (1) Notwithstanding any other provision of this Part, a person who is entitled to receive annuity (whether or not that entitlement was preserved and continued under this Part or arose under this Part after the commencement of this Act) is entitled to an increase in the rate of the annuity in accordance with this section.

(2) The increased rate of annuity payable to the person in question from time to time shall be the rate ascertained in accordance with the formula—

$P(1 + .03T)$, where—

P is the rate of annuity (without any bonus addition) prescribed in relation to that person at the time in question under the provisions of this Part (other than this section); and

T is the number of periods each of twelve months that have elapsed between—

(a) the commencement of this Act; and

(b) the date at which the increased rate of pension is to be ascertained,

increased by two.

(3) In relation to payments in respect of a child or children under this Part, subsection (3) of section 14A of *The Parliamentary Contributory Superannuation Fund Act of 1948* as amended shall be read as if a reference to “the rate of annuity under this Act” were a reference to a rate of annuity increased in accordance with the provisions of this section.

PART V—MISCELLANEOUS

31. Exemption from charges, duties, etc. All contributions and moneys paid to the Fund under this Act and all payments out of the Fund on account of pensions, annuities, payments in respect of a child or children and refunds of contributions to the Fund payable under this Act shall be exempt from any charge or duty whatsoever for or in respect of any income tax, stamp duty, probate or succession duty, or other tax or duty imposed by any law of this State.

32. Payment of pensions, etc. (1) Pensions under this Act shall be payable in fortnightly instalments.

(2) Pensions under this Act shall be apportionable in point of time.

33. Pensions. Pensions and other rights under this Act shall not be assigned, charged, taken in execution, attached or passed by operation of law or otherwise howsoever to any person other than the beneficiary or payee nor shall any claim be set off against the same.

34. Settlement of disputes. (1) Any dispute under this Act shall be determined in the first place by the trustees.

(2) Any person aggrieved by a decision of the trustees may appeal to the Supreme Court constituted by a single Judge of that Court.

(3) An appeal under this section shall not lie unless it is instituted within thirty days after the giving to the person aggrieved of notice of the decision, and such a notice sent by pre-paid post shall, unless the contrary be proved, be deemed to have been so given when it would have been delivered in the ordinary course of post.

(4) An appeal under this section shall be instituted by filing in the Supreme Court registry a notice of appeal.

(5) The power to make rules of the Supreme Court includes power to make rules providing and regulating practice and procedure in respect of appeals to a Judge of that Court under this section.

(6) Until such rules are made, or so far as such rules do not extend, the Judge hearing any appeal under this section may, in the particular case, give such directions as he may deem fit, and the directions shall, according to their tenor, have the force and effect of rules made pursuant to this section for the purposes hereof.

(7) An appeal under this section shall be by way of rehearing and the Judge hearing the same may confirm the decision of the trustees or uphold the appeal and make such order or orders with respect to the subject matter of the appeal as he deems necessary or expedient to give effect to his decision upon the appeal.

(8) The decision of the Court shall be final and conclusive and without appeal.

(9) The Judge may make such order as to costs to be paid by either party to the appeal as he thinks just.

(10) Any order made as to costs pursuant to subsection (9) of this section may be enforced in the same manner as a judgment of the Supreme Court.

35. Service of notice on trustees. A notice to the trustees required or permitted to be given or served under this Act and given to or served on an officer of a Department of State specified for that purpose by the trustees by notice in the Gazette shall, for the purposes of this Act be deemed to have been given to or served on the trustees.

36. Regulations. (1) The Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters or things which by this Act are permitted or required to be prescribed or which are necessary or expedient to be prescribed for carrying out or giving effect to this Act.

(2) All regulations made under this Act shall be published in the Gazette, and thereupon shall be judicially noticed and such publication shall be conclusive evidence of the matters contained therein.

(3) Every such regulation shall be laid before the Legislative Assembly within fourteen days after the publication thereof in the Gazette if Parliament is then sitting for the despatch of business or, if not, within fourteen days after the day upon which Parliament next sits for the despatch of business.

(4) If the Legislative Assembly passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or the making of any further regulation.

SCHEDULE

[s. 3]

Column 1 Year and Number of Act	Column 2 Title of Act
13 Geo. 6 No. 18 ..	<i>Parliamentary Contributory Superannuation Fund Act of 1948</i>
3 Eliz. 2 No. 40 ..	<i>Parliamentary Contributory Superannuation Fund Act Amendment Act of 1954</i>
7 Eliz. 2 No. 74 ..	<i>Parliamentary Contributory Superannuation Fund Acts Amendment Act of 1958</i>
10 Eliz. 2 No. 45 ..	<i>Parliamentary Contributory Superannuation Fund Acts Amendment Act of 1961</i>
No. 53 of 1964 ..	<i>Parliamentary Contributory Superannuation Fund Acts Amendment Act of 1964</i>
No. 48 of 1965 ..	<i>Parliamentary Contributory Superannuation Fund Acts Amendment Act of 1965</i>
No. 39 of 1967 ..	<i>Parliamentary Contributory Superannuation Fund Acts Amendment Act of 1967</i>