

Queensland



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 66 of 1974

An Act to amend the State Service Superannuation Act 1972–1974 and the Public Service Superannuation Act 1958–1974, each in certain particulars.

[ASSENTED TO 30TH OCTOBER, 1974]

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

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Superannuation Acts Amendment Act 1974* (No. 2).

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

PART I—PRELIMINARY;

PART II—AMENDMENT OF THE STATE SERVICE SUPERANNUATION ACT 1972–1974.

PART III—AMENDMENT OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958–1974.

PART II—AMENDMENT OF THE STATE SERVICE SUPERANNUATION ACT 1972–1974

3. Citation. (1) In this Part, the *State Service Superannuation Act 1972–1974* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *State Service Superannuation Act 1972–1974*.

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

(a) by omitting from subsection (1) paragraphs (c), (d) and (e) of the definition of the term “service” and substituting the following word and paragraph:—

“and

(c) in the case of a continuing contributor any unbroken period during which he was employed by or under the Crown or a person or authority referred to in the definition of the term “officer” in section 4 of the 1958 Act immediately before becoming a contributor under that Act.”; and

(b) by adding at the end of subsection (2) the following word and paragraph:—

“; 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 his employment with a public authority prescribed by the Minister for the purposes of this paragraph, the period of his employment as first mentioned in this paragraph shall be deemed not to have been broken by his employment with the public authority but shall not include any period during which he was employed with the public authority.”.

5. Amendment of s. 24. Rates of contribution. (1) Section 24 of the Principal Act is amended by in subsection (4)—

(a) inserting after the words “after he becomes an officer” the expression “, or after the commencement of the *Superannuation Acts Amendment Act 1974 (No. 2)*, whichever last occurs”; and

(b) omitting the words “will be in relation only to contributions by the officer that would be payable but for this subsection” and substituting the words “in relation to payments that become payable by reason of an election under this subsection will be only sixty-five per centum thereof”.

(2) In the case of an officer who made an election under section 24 (4) of the Principal Act before the commencement of this Act and who is a contributor at that commencement the additional contribution pursuant to the election shall be adjusted by the Board as if that section as amended by this Act were in force at the date of the election.

6. Amendment of s. 47. Right of contributor to convert his pension into a lump sum. Section 47 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(2A) A contributor who, after the commencement of this Act, makes an election under section 24 (4) that has not been cancelled may not make an election under this section in relation to any

part of his pension entitlement under this Act unless he has contributed in accordance with that subsection for not less than five years before such pension entitlement arises or would have been so contributing but for a commutation of contributions pursuant to section 46.”.

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

(a) by omitting from subsection (1)—

(i) the expression “ subsection (2) of ”;

(ii) the expression “ a payment under section 41,”; and

(iii) the expression “ such part of any payment that would not have been payable but for subsection (4) of section 24 or ”;

(b) by omitting from subsection (1A) the expression “ paragraph (c), (d) and (e) of the definition of the term “ service ” in section 4 (1) as inserted by section 5 the *Superannuation Acts Amendment Act 1974* ” and substituting the expression “ paragraph (c) of the definition of the term “ service ” in section 4 (1) as inserted by section 4 of the *Superannuation Acts Amendment Act 1974 (No. 2)* ”; and

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

“(1B) 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 subsection (4) of section 24 shall be sixty-five per centum of such part.”.

8. Schedule I. Amendment of Principal Act. The Principal Act is amended as set out in Schedule I.

PART III—AMENDMENT OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958–1974

9. Citation. (1) The *Public Service Superannuation Act 1958–1974* is in this Part referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Public Service Superannuation Act 1958–1974*.

10. Amendment of s. 29. When entitlement to annuity benefit accrues. Section 29 of the Principal Act is amended—

(a) by in subsection (1) inserting, at the end thereof, the expression “ or, in the case of a contributor who makes an election as is mentioned in paragraph (iv) of subsection (2) to retire before the day on which he would attain the age for retirement, on his retirement ”;

(b) by in subsection (2) inserting after paragraph (iii) the following paragraph and word:—

“ ; or

(iv) who after the commencement of Part III of the *Superannuation Acts Amendment Act 1974 (No. 2)*, elects to retire at any time within the period of five years immediately preceding the day on which he would attain the age for retirement.”.

11. Amendment of s. 30. Units of annuity benefit. Section 30 of the Principal Act is amended—

(a) by inserting after subsection (2) the following subsection:—

“(3) Where a contributor to whom section 29 applies makes after the commencement of Part III of the *Superannuation Acts Amendment Act 1974 (No. 2)*, an election as is mentioned in paragraph (iv) of section 29 (2) to retire before the day on which he would attain the age for retirement, the unit of annuity benefit is at the rate per annum ascertained in accordance with the formula—

$$R = 100 - 6t,$$

where—

R represents the annual rate expressed in dollars of each unit of benefit; and

t represents the remainder obtained by subtracting from 65 the contributor's age as at the time of his retirement (expressed in years to the nearest month).”; and

(b) inserting in subsection (4), after the words “by reason of incapacity”, the expression “or an election as is mentioned in paragraph (iv) of section 29 (2) ”.

12. Amendment of s. 33. When entitlement to assurance benefit accrues. Section 33 of the Principal Act is amended—

(a) by in paragraph (ii) of subsection (2)—

(i) inserting, after the words “sixty-five years”, the expression “, or after retiring before the day on which he would attain that age by reason of an election as is mentioned in paragraph (iv) of section 29 (2),”; and

(ii) inserting, after the words “by reason of incapacity”, the words “, or an election as is mentioned in paragraph (iv) of section 29 (2) ”; and

(b) by in paragraph (iia) of subsection (2)—

(i) inserting, after the words “sixty-five years”, the expression “, or after retiring before the day on which he would attain that age by reason of an election as is mentioned in paragraph (iv) of section 29 (2) ”; and

(ii) inserting, after the words “he attained that age”, the expression “or, if he retired by reason of an election as is mentioned in paragraph (iv) of section 29 (2), such retirement ”.

13. Amendment of s. 34. Units of assurance benefit. Section 34 of the Principal Act is amended—

(a) by in subsection (1) adding, after the words “per annum”, the following expression:—

“save, where entitlement is derived from a person who, after the commencement of Part III of the *Superannuation Acts Amendment Act 1974 (No. 2)*, retired before the day on which he would attain

the age for retirement by reason of an election as is mentioned in paragraph (iv) of section 29 (2), in which case the unit of assurance benefit is at the rate per annum ascertained in accordance with the formula—

$$R = A \times \left(\frac{100-6t}{100} \right),$$

where—

R represents the annual rate expressed in dollars of each unit of benefit;

A represents the annual rate of each unit of benefit that would have been payable if the contributor in question had retired on reaching the age of sixty-five years; and

t represents the remainder obtained by subtracting from 65 the contributor's age as at the time of his retirement (expressed in years to the nearest month)."; and

(b) by inserting in paragraph (b), of subsection (2), after the words "sixty-five years", the expression "or, in the case of a person who retired by reason of an election as is mentioned in paragraph (iv) of section 29 (2), when he so retired".

14. Amendment of s. 36. Amount of additional assurance benefit.

Section 36 of the Principal Act is amended by inserting, after subsection (1A), the following subsection:—

"(1B) Notwithstanding the provisions of subsection (1), in respect of a child who derives his entitlement to additional assurance benefit through a person who, after the commencement of Part III of the *Superannuation Acts Amendment Act 1974 (No. 2)*, retired before the day on which he would attain the age for retirement by reason of an election as is mentioned in paragraph (iv) of section 29 (2), the amount of assurance benefit shall be ascertained in accordance with the formula—

$$P = A \times \left(\frac{100-6t}{100} \right),$$

where—

P represents the annual amount of the benefit payable to the child;

A represents the annual amount of the benefit that would have been payable to the child but for this subsection;

t represents the remainder obtained by subtracting from 65 the contributor's age as at the time of his retirement (expressed in years to the nearest month).".

15. Schedule II. Amendment of Principal Act. The Principal Act is amended as set out in Schedule II.

SCHEDULE I

[s. 8]

AMENDMENTS TO THE STATE SERVICE SUPERANNUATION ACT 1972-1974

Provision	Amendment
Section 22 (5) ..	Omit "subsection" and substitute "section".
Section 27 (5) (b) ..	(a) Omit "subparagraph (i) of". (b) Omit "the said subsection (4) had not been enacted and".
Section 29 (2) ..	Insert "two and six-seventh times", after "and a sum equal to" (secondly occurring).
Section 30 (5) ..	Insert "and service before becoming a contributor", after "section 24".
Section 32 (9) ..	(a) Insert "or but for an election under section 47 would have been so entitled", after "receive a pension under this Act". (b) Omit "or that person was a person to whom section 41 applied,". (c) Omit "or the said section 41".
Section 35 (3) ..	Insert "two and six-seventh times", after "and a sum equal to" (secondly occurring).
Section 41 ..	Repeal the section.
Section 44 (2) ..	Insert "by virtue of which engagement payment of incapacity pension has been suspended under that subsection", after "in subsection (1)".
Section 47 (8) (a) (iii)	(a) Insert "the sum of", after "a sum equal to". (b) Insert "and that specified percentage of sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he had retired on attaining the age for retirement," after "had not been enacted".
Section 47 (8) (b) (iii)	(a) Insert "the sum of", after "a sum equal to". (b) Insert "and that specified percentage of sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he had retired on attaining the age for retirement," after "had not been enacted".
Section 47 (8) (c) (iii)	(a) Insert "the sum of", after "a sum equal to". (b) Insert "and sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he had retired on attaining the age for retirement," after "had not been enacted".
Section 47 (8) (d) (iii)	(a) Insert "the sum of", after "a sum equal to". (b) Insert "and sixty-five per centum of the pension attributable to section 24 (4) that would have been payable if he had retired on attaining the age for retirement," after "had not been enacted".

SCHEDULE II [s. 15]
AMENDMENTS OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958-1974

Provision	Amendment
Section 4	Insert at the end thereof the following paragraph:— “Where a contributor makes an election as is mentioned in paragraph (iv) of section 29 (2) to retire from his employment as an officer before the day on which he would attain the age for retirement and he voluntarily resigns from his employment by reason of such election he shall be deemed for the purposes of this Act to have been retired from that employment.”.
Section 28	Omit “subsection” (firstly occurring) and substitute “section”.
Section 34 (1A) ..	Insert “or, but for an election under section 39A, would have been so entitled”, after “entitled to receive benefit under this Act”.
Section 36 (1A) ..	Insert “or, but for an election under section 39A, would have been so entitled to receive annuity benefit”, after “or incapacity benefit under this Act”.
Section 37	Insert, after the first paragraph, the following paragraph:— “The preceding provisions of this section shall apply to a contributor on retirement by reason of an election as is mentioned in paragraph (iv) of section 29 (2) as if a reference to “the age of sixty-five years” were a reference to “his age on such retirement” and a reference to “the sum of one hundred and five dollars and sixty cents” were a reference “to a sum calculated by the Actuary and approved by the Board.”.
Section 38	Insert after subsection (2) the following subsection:— “(3) Subsection (2) applies to a contributor who makes an election as is mentioned in paragraph (iv) of section 29 (2) to retire before the day on which he would attain the age for retirement as if in his case a reference in that subsection

SCHEDULE II—continued

Provision	Amendment
Section 38— <i>continued</i>	to “the age of sixty-five years” were a reference to his age at the date of his retirement pursuant to such election and as if the reference in paragraph (a) of the said subsection “the rate of one hundred dollars” were a reference to the rate ascertained in his case in accordance with the formula prescribed in section 30 (3).”.
Section 38 (1) ..	Insert “otherwise than by reason of an election as is mentioned in paragraph (iv) of section 29 (2)”, after “age of sixty-five years”.
Section 38 (2) (b) ..	Insert “and section 43B”, after “section 43A”.
Section 38A (2) ..	Insert “, or an election as is mentioned in paragraph (iv) of section 29 (2)”, after “by reason of incapacity”.
Section 39 (3) ..	Insert “or an election as is mentioned in paragraph (iv) of section 29 (2)”, after “by reason of incapacity”.
Section 39A (1) (c) ..	(a) Insert “or makes an election as is mentioned in paragraph (iv) of section 29 (2) to retire before the day on which he would attain the age for retirement”, after “the age of sixty-five years”; and (b) Insert “or, as the case may be, retirement”, after “resignation”.
Section 39A (2) (c) ..	(a) Insert “or makes an election as is mentioned in paragraph (iv) of section 29 (2) to retire before the day on which he would attain the age for retirement”, after “the age of sixty-five years”; and (b) Insert “or, as the case may be, retirement”, after “resignation”.
Section 39B (c) ..	(a) Insert “or makes an election as is mentioned in paragraph (iv) of section 29 (2) to retire before the day on which he would attain the age for retirement”, after “the age of sixty-five years”; and

SCHEDULE II—*continued*

Provision	Amendment
Section 39B (c)— <i>continued</i>	(b) Insert “ or, as the case may be, retirement ”, after “ resignation ” (wherever occurring).
Section 39C ..	Insert, after subsection (4) the following subsection:— “ (4A) In the case of a contributor who, after the commencement of Part III of the <i>Superannuation Acts Amendment Act 1974</i> (No. 2), makes an election as is mentioned in paragraph (iv) of section 29 (2), for the purposes of determining the lump sum that is payable under this Division each unit of annuity benefit in respect of which he or she makes an application under section 39A shall be taken to provide a benefit ascertained in accordance with the formula prescribed by section 30 (3). ”
Section 39C (4) ..	Insert “, pursuant to section 77A, ”, after “ voluntarily resigns ”.
Section 40	(a) Renumber section as subsection (1); (b) Insert after subsection (1) the following subsection:— “ (2) Where a contributor who elects to retire at any time within the period of five years immediately preceding the day on which he 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 his retirement he is, in addition to any benefit entitlement under this Act, entitled to be paid from the Fund such sum of money in respect of such contribution as is determined by the Actuary and approved by the Board. ”
Section 55	(a) Renumber section 55 as subsection (1) thereof. (b) Insert, after subsection (1), the following subsection:— “ (2) This section shall apply to a contributor who makes an election as is mentioned in paragraph (iv) of section 29 (2) to retire before the day on which he would attain the age of 65 years as if— (a) a reference to “ the age of sixty-five years ” were a reference to his age at the date of his retirement by reason of such election; and

SCHEDULE II—*continued*

Provision	Amendment
Section 55— <i>continued</i>	(b) a reference to “the rate per unit of thirty-five dollars per annum” were a reference to a rate per unit per annum calculated by the Actuary and approved by the Board.”.
Section 57	Insert, after subsection (5), the following subsection:— “(6) (a) A contributor who makes an election as is mentioned in paragraph (iv) of section 29 (2) 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 Acts called therein assurance benefit (whether payable at death or payable at the age of sixty-five years or prior death) may apply, not later than one 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. (b) Except as prescribed by paragraph (a), 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 Acts. (c) Where a benefit under the repealed Acts mentioned in paragraph (a) 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 sixty-five years or prior death of the contributor shall be such amount as is calculated by the actuary and approved by the Board.”.
Section 73B (7) ..	Insert “has been a contributor for a period of at least ten years or”, after “until he or she”.

SCHEDULE II—*continued*

Provision	Amendment
Section 77A ..	Insert, after subsection (9), the following subsection:— “(10) This section shall not have any application after the commencement of Part III of the <i>Superannuation Acts Amendment Act 1974 (No. 2)</i> 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.”.