



ANNO VICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

No. 82 of 1976

**An Act to amend the State Service Superannuation Act
1972-1975 and the Public Service Superannuation
Act 1958-1975 each in certain particulars**

[ASSENTED TO 16TH DECEMBER, 1976]

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 and citation. This Act may be cited as the *Superannuation Acts Amendment Act 1976*.

2. Arrangement. This Act is arranged as follows:—

PART I—PRELIMINARY, ss. 1-3;

PART II—AMENDMENTS OF THE STATE SERVICE SUPERANNUATION ACT 1972-1975, ss. 4-26;

PART III—AMENDMENTS OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958-1975, ss. 27-51.

3. Commencement. (1) Subject to subsection (2), this Act shall commence on the day on which this Act is assented to for and on behalf of the Crown.

(2) (a) Sections 5 (a) (ii) (A), 5 (a) (iii) (B), 5 (b), 5 (c), 5 (d) and 5 (e) shall be deemed to have commenced on 12th November 1976 and shall have retrospective effect accordingly.

(b) Sections 15, 16, 36 and 38 shall commence on 4th January 1977.

PART II—AMENDMENTS OF THE STATE SERVICE SUPERANNUATION ACT 1972–1975

4. Citation. (1) In this Part, the *State Service Superannuation Act 1972–1975* 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 1972–1976*.

5. Amendment of s. 4. Section 4 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) in the definition “child”, omitting the word “twenty-one” and substituting the word “twenty-three”;
 - (ii) in the definition “final average increase in salary”,
 - (A) omitting the word “three” wherever occurring and substituting in each case the word “two”;
 - (B) omitting the word “annual” wherever occurring and substituting in each case the word “fortnightly”;
 - (iii) in the definition “final average salary”,
 - (A) omitting the word “annual” and substituting the word “fortnightly”;
 - (B) omitting the word “three” and substituting the word “two”;
 - (iv) in the definition “incapacity pension”, omitting the word “months” and substituting the word “weeks”;
 - (v) in the definition “officer”,
 - (A) in subparagraph (a), inserting after the expression “(12)” the expression “or (12A)”;
 - (B) in subparagraph (ba), omitting the word “School” and substituting the word “Schools”;
 - (C) inserting after subparagraph (ba) the following subparagraphs:—
 - “(bb) any person employed in a permanent capacity by the Port of Brisbane Authority constituted under the *Port of Brisbane Authority Act 1976*;
 - (bc) any person employed in a permanent capacity by the Metropolitan Transit Authority constituted under the *Metropolitan Transit Authority Act 1976*;”;
 - (D) inserting after subparagraph (d) the following subparagraphs:—
 - “(da) any person permanently employed by or under the Crown on conditions of service governed by an industrial award or industrial agreement that specifies a working week of not less than 30 hours;
 - (db) any person or member of a class of persons approved by the Governor in Council (who is hereby thereunto authorized) by Order in Council”;
- (b) in subsection (3), omitting the word “three” and substituting the word “two”;
- (c) in subsection (4), omitting the word “three” wherever occurring and substituting in each case the word “two”;

(d) in subsection (5), omitting the word "three" wherever occurring and substituting in each case the word "two";

(e) in subsection (7), omitting the word "three" and substituting the word "two".

6. Amendment of s. 18. Section 18 of the Principal Act is amended by omitting the words "six per centum per annum" and substituting the expression " $6\frac{1}{2}$ per centum per annum in respect of the period that commenced on 1st July 1976 and ended on 30th September 1976 and thereafter at the rate of $6\frac{1}{2}$ per centum per annum".

7. Amendment of s. 20. Section 20 of the Principal Act is amended by—

(a) in subsection (8), adding at the end thereof the following paragraph:—

"The Governor in Council may by Order in Council exempt from the provisions of this subsection any person or class of persons and while such Order in Council continues in operation this subsection shall not apply to that person or class of persons.";

(b) inserting after subsection (12) the following subsection:—

"(12A) A person who is a contributor at the time of his appointment to a University constituted under an Act of this State to an office having a higher status than that of the office or class or classes of offices specified in an Order in Council made under subsection (10) shall, subject to this Act, remain a contributor so long as he is employed in a permanent capacity by that University unless he elects otherwise in writing within one month of becoming the holder of the office having such higher status."

8. Amendment of s. 21. Section 21 of the Principal Act is amended by, in subsection (2), inserting after the words "payable on" the words "the last day of the fortnightly pay-period preceding".

9. Amendment of s. 22. Section 22 of the Principal Act is amended by adding at the end of subsection (1) the following paragraph:—

"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."

10. Amendment of s. 24. Section 24 of the Principal Act is amended by—

(a) in subsection (4), inserting after the word "Act" where it firstly occurs the words "and before the commencement of the *Superannuation Acts Amendment Act 1976*";

(b) inserting after subsection (4) the following subsection:—

"(4A) Where by reason that an officer becomes a contributor on or after the commencement of the *Superannuation Acts Amendment Act 1976* and after he has attained the age of 20 years, the length of the officer's service, ascertained for the purposes of

calculating the pension to be paid to him under this Act if he attains the age for retirement will not amount to 45 years, the officer may elect, within a period of two months after he becomes an officer to increase the rate of his 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 that, 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 him under this Act, to be regarded as the length of service ascertained in accordance with the Board's determination under subsection (6) but not exceeding a maximum of 45 years, 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 Act (other than this subsection).";

(c) inserting after the figure "(4)" wherever occurring in subsections (6), (6A), (6B) and (6C) the figure ", (4A)" in each case;

(d) inserting after subsection (7) the following subsection:—

"(8) Where a contributor has paid to the Fund contributions in excess of those prescribed by this Act, the Board shall refund to him such sum of money in respect of those contributions as is determined by the Actuary and approved by the Board."

11. Amendment of s. 27. Section 27 of the Principal Act is amended by—

(a) in subsection (2),

(i) omitting the words "an annual" and substituting the words "a fortnightly";

(ii) omitting the word "annual" and substituting the word "fortnightly";

(b) in subsection (5), inserting after the word "who" the words ", before the commencement of the *Superannuation Acts Amendment Act 1976*";

(c) inserting after subsection (5) the following subsection:—

"(5A) Where a contributor who makes an election under subsection (4A) of section 24, after attaining the age for retirement, continues to be an officer, he 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 he would have been entitled under this section if the said subsection (4A) had not been enacted and he 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 the said subsection (4A); and

(b) on his retiring or being retired from his employment as an officer to an increase in the pension payable under subparagraph (i) of paragraph (a), which shall then

become payable at the rate of pension to which he would have been entitled under this section if the said subsection (4A) had not been enacted and he had retired on attaining the age for retirement.”;

(d) in subsection (6),

(i) omitting the word “annual” and substituting the word “fortnightly”;

(ii) omitting the words “to the nearest month”;

(e) in subsection (7),

(i) inserting after the words “any period of” the word “sick”;

(ii) omitting the word “months” wherever occurring and substituting in each case the word “weeks”.

12. Amendment of s. 28. Section 28 of the Principal Act is amended by—

(a) in subsection (2),

(i) omitting the words “an annual” and substituting the words “a fortnightly”;

(ii) omitting the word “annual” and substituting the word “fortnightly”;

(b) in subsection (5),

(i) omitting the word “annual” and substituting the word “fortnightly”;

(ii) omitting the words “to the nearest month”;

(c) in subsection (6),

(i) inserting after the words “any period of” the word “sick”;

(ii) omitting the word “months” wherever occurring and substituting in each case the word “weeks”.

13. Amendment of s. 29. Section 29 of the Principal Act is amended by—

(a) in subsection (2), omitting all words commencing with the words “of section 24” to the end of the subsection and substituting the following words:—

“or (4A) of section 24) to the Fund under this Act and—

(c) in the case of additional contributions payable under subsection (4) of section 24, a sum equal to two and six-sevenths times the total amount of any such additional contributions;

(d) in the case of additional contributions payable under subsection (4A) of section 24, a sum equal to the total amount of any such additional contributions.”;

(b) in subsection (3), omitting the word “annual” wherever occurring and substituting in each case the word “fortnightly”;

(c) in subsection (4A),

(i) inserting after the words “any period of” the word “sick”;

(ii) omitting the word “months” wherever occurring and substituting in each case the word “weeks”;

(iii) omitting the word “annual” wherever occurring and substituting in each case the word “fortnightly”.

14. Amendment of s. 30. (1) Section 30 of the Principal Act is amended by—

(a) in subsection (3), omitting the word “annual” wherever occurring and substituting in each case the word “fortnightly”;

(b) in subsection (4), inserting after the words “had been a” the word “continuing”;

(c) in subsection (4A),

(i) inserting after the words “any period of” the word “sick”;

(ii) omitting the word “months” wherever occurring and substituting in each case the word “weeks”;

(iii) omitting the word “annual” wherever occurring and substituting in each case the word “fortnightly”.

(2) Subsection (4) of section 30 of the Principal Act shall be construed as if the expression “contributor for full benefits” therein had at all times since the enactment of that subsection been the expression “continuing contributor for full benefits”.

15. Amendment of s. 31. Section 31 of the Principal Act is amended by—

(a) in subsection (2), omitting the word “five-eighths” and substituting the expression “66·7 per centum”;

(b) in subsection (3), omitting the word “five-eighths” and substituting the expression “66·7 per centum”;

(c) in subsection (3A),

(i) omitting the fraction “5/8” and substituting the expression “0·667”;

(ii) omitting the word “annual” wherever occurring and substituting in each case the word “fortnightly”;

(d) in subsection (4), omitting the word “five-eighths” wherever occurring and substituting in each case the expression “66·7 per centum”;

(e) in subsection (10),

(i) omitting the word “and” where it occurs after subparagraph (a);

(ii) inserting after subparagraph (b) the following subparagraph:—
“; and

(c) service before becoming a contributor”;

(f) adding at the end thereof the following subsection:—

“(16) The pension payable to a widow on and from the commencement of section 15 of the *Superannuation Acts Amendment Act 1976* shall be the amount of pension being paid to her immediately before that date multiplied by 1·0672.”.

16. Amendment of s. 32. Section 32 of the Principal Act is amended by—

(a) in subsection (3),

(i) omitting the words “two hundred and eight dollars per annum” where they occur in subparagraph (a) and substituting the expression “\$16 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 36A from and including the first pay-period that occurs wholly in September 1977”;

(ii) omitting the words "four hundred and sixteen dollars per annum" where they occur in subparagraph (b) and substituting the expression "\$32 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 36A from and including the first pay-period that occurs wholly in September 1977";

(b) in subsection (4), omitting the word "annual" wherever occurring and substituting in each case the word "fortnightly";

(c) omitting subsection (9).

17. Amendment of s. 33. Section 33 of the Principal Act is amended by, in subsection (2), omitting the figures "21" and substituting the figures "23".

18. Amendment of s. 35. Section 35 of the Principal Act is amended by, in subsection (3), omitting all words commencing with the words "of section 24" to the end of the subsection and substituting the following words:—

"or (4A) of section 24) to the Fund under this Act and—

(a) in the case of additional contributions payable under subsection (4) of section 24, a sum equal to two and six-sevenths times the total amount of any such additional contributions;

(b) in the case of additional contributions payable under subsection (4A) of section 24, a sum equal to the total amount of any such additional contributions.";

19. Amendment of s. 36A. Section 36A of the Principal Act is amended by—

(a) in subsection (4), omitting the word "October" and substituting the word "September";

(b) in subsection (6), omitting the words "in the month of October" and substituting the words "wholly in the month of September";

(c) in subsection (7),

(i) omitting the word "September" wherever occurring and substituting in each case the word "August";

(ii) omitting the words "in the month of October" wherever occurring and substituting in each case the words "occurring wholly in the month of September";

(iii) omitting the word "annual" and substituting the word "fortnightly";

(d) in subsection (8),

(i) omitting the word "annual" and substituting the word "fortnightly";

(ii) omitting the expression "30th September" and substituting the expression "31st August".

20. Amendment of s. 44. Section 44 of the Principal Act is amended by, in subsection (1), omitting the words "who has been retired, by reason of incapacity from employment as an officer, and".

21. New s. 46A. The Principal Act is amended by inserting after section 46 the following section:—

“ 46A. Recovery of overpayments. Where a person has received a payment by way of pension, refund of contributions or a lump sum in any case in excess of the payment to which he was entitled under this Act, the Board—

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

22. Amendment of s. 47. Section 47 of the Principal Act is amended by—

(a) omitting the word “ten” and the word “eleven” wherever occurring and substituting in each case the figures “261” and the figures “287” respectively;

(b) omitting the word “annual” wherever occurring and substituting in each case the word “fortnightly”;

(c) inserting after the words “limited benefits” wherever occurring in subsections (5), (7), (8) and (10) the words “who has been such a contributor for less than 20 years” in each case;

(d) in subsection (7), inserting after the expression “(4)” the expression “or (4A)”;

(e) inserting after subsection (8) the following subsection:—

“(8A) Where a contributor (being a contributor who has made an election under subsection (4A) of section 24) who makes an election under this section continues, on attaining the age for retirement, in his employment as an officer, he shall in lieu of the lump sum payment from the Fund to which he would have been entitled but for this subsection, be entitled to be paid from the Fund—

- (a) where, in the case of a contributor other than a contributor for limited benefits who has been such a contributor for less than 20 years, he elects to convert a specified percentage only of his pension entitlement—
 - (i) a sum equal to 261 times or, in the case of a female contributor, 287 times that specified percentage of the amount of his fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27;
 - (ii) a sum equal to 261 times or, in the case of a female contributor, 287 times that specified percentage of the amount of his fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27; and
 - (iii) on his retiring or being retired from his employment as an officer a sum equal to that specified percentage of five-sevenths of the amount of his fortnightly pension entitlement under this Act if he had retired

on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of his age at the time that he so retires, or is retired,

and the pension to which the contributor would have been entitled but for his having made an election under this section shall be reduced by a percentage equal to the percentage specified in the contributor's notice of election;

- (b) where, in the case of a contributor for limited benefits who has been such a contributor for less than 20 years, he elects to convert a specified percentage only of his pension entitlement—

- (i) a sum equal to that specified percentage of the amount of his fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27 as applied by section 29 multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of evidence of his state of health furnished under subsection (10) of this section;
- (ii) a sum equal to that specified percentage of the amount of his fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27 as applied by section 29 multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of evidence of his state of health furnished under subsection (10) of this section; and
- (iii) on his retiring or being retired from his employment as an officer a sum equal to that specified percentage of five-sevenths of the amount of his fortnightly pension entitlement under this Act if he had retired on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of his age at the time that he so retires or is retired and the evidence of his state of health furnished under subsection (10) of this section,

and the pension to which the contributor would have been entitled but for his having made an election under this section shall be reduced by a percentage equal to the percentage specified in the contributor's notice of election;

- (c) where, in the case of a contributor other than a contributor for limited benefits who has been such a contributor for less than 20 years, he has elected to convert the whole of his pension entitlement—
- (i) a sum equal to 261 times or, in the case of a female contributor, 287 times the amount of his fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27;

- (ii) a sum equal to 261 times or, in the case of a female contributor, 287 times the amount of his fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27; and
- (iii) on his retiring or being retired from his employment as an officer a sum equal to five-sevenths of his fortnightly pension entitlement to which he would have been entitled if he had retired from his employment as an officer on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of his age at the time of his retirement,
and his entitlement to contributor's pension ceases;
- (d) where, in the case of a contributor for limited benefits who has been such a contributor for less than 20 years, he has elected to convert the whole of his pension entitlement—
 - (i) a sum equal to the amount of his fortnightly pension entitlement referred to in subparagraph (i) of paragraph (a) of subsection (5A) of section 27 as applied by section 29 multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of evidence of his state of health furnished under subsection (10) of this section;
 - (ii) a sum equal to the amount of his fortnightly pension entitlement referred to in subparagraph (ii) of paragraph (a) of subsection (5A) of section 27 as applied by section 29 multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of evidence of his state of health furnished under subsection (10) of this section; and
 - (iii) on his retiring or being retired from his employment as an officer a sum equal to five-sevenths of his fortnightly pension entitlement to which he would have been entitled if he had retired from his employment as an officer on attaining the age for retirement and the said subsection (4A) of section 24 had not been enacted, multiplied by such factor not exceeding 261 or, in the case of a female contributor, 287 as the Actuary may determine on the basis of his age at the time of his retirement and the evidence of his state of health furnished under subsection (10) of this section,
and his entitlement to contributor's pension ceases."

23. Amendment of s. 51. Section 51 of the Principal Act is amended by inserting after subsection (1B) the following subsection:—

“(1C) 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 subsection (4A) of section 24.”.

24. Amendment of s. 52. Section 52 of the Principal Act is amended by, in subsection (4)—

(a) omitting the words “In respect of any period of time during which the salary of any contributor is” and substituting the words “In respect of any contribution to the State Service Superannuation Fund required to be paid by a contributor whose salary is or, if he is absent on leave without salary, whose salary was immediately before the commencement of that leave”;

(b) inserting after the figures “1970” the words “a Board of Trustees constituted for a Rural Training School under *The Rural Training Schools Act of 1965*, the Port of Brisbane Authority constituted under the *Port of Brisbane Authority Act 1976*, the Metropolitan Transit Authority constituted under the *Metropolitan Transit Authority Act 1976*”.

25. Amendment of s. 54. Section 54 of the Principal Act is amended by omitting the expression “section 55” and substituting the expression “sections 46A and 55”.

26. Amendment of s. 68. Section 68 of the Principal Act is amended by—

(a) omitting the words “that is less than ten cents or a multiple of ten cents”;

(b) omitting the words “as prescribed,” and substituting the words “to the nearest cent”.

PART III—AMENDMENTS OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958–1975

27. Citation. (1) In this Part, the *Public Service Superannuation Act 1958–1975* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Public Service Superannuation Act 1958–1976*.

28. Amendment of s. 4. Section 4 of the Principal Act is amended by—

(a) in the definition “Child”, adding at the end thereof the words “: the term includes a person of or over the age of sixteen years but under the age of twenty-three years who is receiving, in the opinion of the Board, full time education at a school, college or university”;

- (b) (i) numbering the existing section as subsection (1);
(ii) inserting after subsection (1) as so numbered the following subsection:—

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

29. Amendment of s. 20. Section 20 of the Principal Act is amended by, in subsection (1), inserting after the word “until” the words “the last day of the fortnightly pay-period preceding the day on which”.

30. Amendment of s. 24. Section 24 of the Principal Act is amended by omitting the words “thirty-five dollars per unit per annum” and substituting the expression “\$1.34 per unit per fortnight”.

31. Amendment of s. 26. Section 26 of the Principal Act is amended by, in subsection (1), inserting after the word “until” the words “the last day of the fortnightly pay-period preceding the day on which”.

32. New s. 26A. The Principal Act is amended by inserting after section 26 the following section:—

“**26A. Refund of excess contributions.** Where a contributor has paid to the Fund contributions in excess of those prescribed by this Act, the Board shall refund to him such sum of money in respect of those contributions as is determined by the Actuary and approved by the Board.”.

33. Amendment of s. 30. Section 30 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “one hundred dollars per annum” and substituting the expression “\$3.84 per fortnight”;

(b) in subsection (2), omitting the words “thirty-five dollars per annum” and substituting the expression “\$1.34 per fortnight”;

(c) in subsection (3),

(i) omitting the word “annum” and substituting the word “fortnight”;

(ii) omitting the formula “ $R = 100 - 6t$ ” and all words to the end of the subsection and substituting the following formula and words:—

$$“R = 3.84 (1 - 0.06t),$$

where—

R represents the fortnightly rate expressed in dollars to the nearest cent of each unit of benefit;

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

34. Amendment of s. 31. Section 31 of the Principal Act is amended by, in subsection (2), omitting from subparagraph (a) the word " months " wherever occurring and substituting in each case the word " weeks ".

35. Amendment of s. 32. Section 32 of the Principal Act is amended by omitting the words " one hundred dollars per annum " and substituting the expression " \$3.84 per fortnight ";

36. Amendment of s. 34. Section 34 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words " sixty-two dollars fifty cents per annum " and substituting the expression " \$2.56 per fortnight ";

(ii) omitting the word " annum " where it secondly occurs and substituting the word " fortnight ";

(iii) omitting the formula $R = A \times \left(\frac{100 - 6t}{100} \right)$ " and all words

to the end of the subsection and substituting the following formula and words:—

$$R = 2.56 (1 - 0.06t),$$

where—

R represents the fortnightly rate expressed in dollars to the nearest cent of each unit of benefit;

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

(b) in subsection (1A), omitting the word " annual " wherever occurring and substituting in each case the word " fortnightly ";

(c) inserting after subsection (2) the following subsection:—

" (3) The assurance benefit payable to a widow on and from the commencement of section 36 of the *Superannuation Acts Amendment Act 1976* shall be the assurance benefit being paid to her immediately before that date multiplied by 1.0672."

37. Amendment of s. 35. Section 35 of the Principal Act is amended by, in subsection (3), omitting the word " twenty-one " and substituting the word " twenty-three ".

38. Amendment of s. 36. Section 36 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words " two hundred and eight dollars per annum " where they occur in subparagraph (a) and substituting the expression " \$16 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 43B from and including the first pay-period that occurs wholly in September 1977 ";

(ii) omitting the words "four hundred and sixteen dollars per annum" and substituting the expression "\$32 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 43B from and including the first pay-period that occurs wholly in September 1977";

(b) omitting subsections (1A) and (1B).

39. Amendment of s. 38. Section 38 of the Principal Act is amended by—

(a) in subsection (2), omitting the words "one hundred dollars per annum" and substituting the expression "\$3.84 per fortnight";

(b) in subsection (3), omitting the words "one hundred dollars" and substituting the expression "\$3.84".

40. Amendment of s. 39A. Section 39A of the Principal Act is amended by, in subsection (4A), inserting after the figures "1971" the words "and for which he has been a contributor for less than 20 years".

41. Amendment of s. 39C. Section 39C of the Principal Act is amended by, in subsection (4), omitting the word "annum" and substituting the word "fortnight".

42. Amendment of s. 43B. Section 43B of the Principal Act is amended by—

(a) in subsection (4), omitting the word "October" and substituting the word "September";

(b) in subsection (6),

(i) inserting after the word "occurring" the word "wholly";

(ii) omitting the word "October" and substituting the word "September";

(c) in subsection (7),

(i) in subparagraph (a),

(A) omitting the word "September" and substituting the word "August";

(B) inserting after the word "pay-period" the words "occurring wholly";

(C) omitting the word "October" and substituting the word "September";

(ii) in subparagraph (b),

(A) omitting the word "September" and substituting the word "August";

(B) inserting after the word "pay-period" the words "occurring wholly";

(C) omitting the word "October" and substituting the word "September";

(iii) in subparagraph (c), omitting the word "annual" and substituting the word "fortnightly";

(d) in subsection (8),

(i) omitting the word "annual" and substituting the word "fortnightly";

(ii) omitting the expression "30th September" and substituting the expression "31st August".

43. Amendment of s. 43C. Section 43C of the Principal Act is amended by omitting the word "annual" wherever occurring and substituting in each case the word "fortnightly".

44. Amendment of s. 45. Section 45 of the Principal Act is amended by, in subsection (4), omitting the words "who has been retired, by reason of incapacity, from employment as an officer, and".

45. Amendment of s. 55. Section 55 of the Principal Act is amended by—

(a) in subsection (1), omitting the words "thirty-five dollars per annum" and substituting the expression "\$1.34 per fortnight";

(b) in subsection (2),

(i) omitting the words "thirty-five dollars per annum" and substituting the expression "\$1.34 per fortnight";

(ii) omitting the word "annum" and substituting the word "fortnight".

46. Amendment of s. 56. Section 56 of the Principal Act is amended by omitting the words "thirty-five dollars per annum" and substituting the expression "\$1.34 per fortnight".

47. Amendment of s. 73C. Section 73C of the Principal Act is amended by, in subsection (3), omitting the word "annual" and substituting the word "fortnightly".

48. Amendment of s. 74. Section 74 of the Principal Act is amended by omitting the words "section seventy-seven" and substituting the expression "sections 74A and 77".

49. New s. 74A. The Principal Act is amended by inserting after section 74 the following section:—

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

(a) may recover from that person in a court of competent jurisdiction as a debt due to the Board the difference between the payment received by him and the payment to which he was entitled under this Act;

(b) may deduct from moneys that may become payable under this Act to or in relation to that person the difference between the payment received by or in relation to him and the payment to which he or any person in relation to him was entitled under this Act."

50. Amendment of s. 76. Section 76 of the Principal Act is amended by, in the proviso to subsection (2), omitting the words “thirty-five dollars per annum” and substituting the expression “\$1.34 per fortnight”.

51. Repeal of and new Schedule I. The Principal Act is amended by repealing Schedule I and substituting the following Schedule:—

“SCHEDULE I

[s. 22]

Scale of Units of Benefits

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
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

SCHEDULE I—continued
Scale of Units of Benefits—continued

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
£	£		£	£	£
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

SCHEDULE I—continued
Scale of Units of Benefits—continued

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
\$	\$		\$	\$	\$
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	...	$71 + A^*$	$3.84 \times$ $(71 + A^*)$	$3.84 \times$ $(71 + A^*)$	$2.56 \times$ $(71 + A^*)$

* 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."