



ANNO VICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 20 of 1978

**An Act to amend the State Service Superannuation Act
1972–1976, Public Service Superannuation Act
1958–1976 and Police Superannuation Act
1974–1977 each in certain particulars**

[ASSENTED TO 2ND JUNE, 1978]

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 1978*.

2. 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 Her Majesty.

(2) (a) Sections 6 (b), 6 (c), 6 (g), 6 (h), 6 (i), 6 (j), 14 (a), 15, 20, 26, 31 and 34 shall be deemed to have commenced on 1st April 1978 and shall have retrospective effect accordingly.

(b) Sections 11 and 12 (a) shall commence on 1st July 1978.

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

PART I—PRELIMINARY, ss. 1–3;

PART II—AMENDMENTS OF THE STATE SERVICE SUPERANNUATION ACT 1972–1976, ss. 4–26;

PART III—AMENDMENTS OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958–1976, ss. 27–36;

PART IV—AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1974–1977, ss. 37–38.

PART II—AMENDMENTS OF THE STATE SERVICE SUPERANNUATION ACT 1972–1976

4. Citation. (1) In this Part, the *State Service Superannuation Act 1972–1976* 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 1972–1978*.

5. Amendment of s. 3. Section 3 of the Principal Act is amended by—

(a) numbering the present provisions as subsection (1);

(b) inserting after subsection (1) as so numbered the following subsection:—

“(2) An officer being a person who was eligible to become a contributor under this Act before the commencement of the *Superannuation Acts Amendment Act 1978* but not bound to contribute under this Act unless he elected so to do may, notwithstanding that he did not elect to contribute under this Act within the time prescribed and the provisions of subsection (1) with respect to the non-application of this Act to an officer upon his failure to so elect, elect to contribute under this Act on or before 31st December 1978 but unless he does so elect this Act shall be deemed not to apply or to have at any time applied to or in relation to that officer.”.

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

(a) omitting the definition “child”;

(b) in the definition “final average increase in salary”, omitting the words “two years” wherever occurring and substituting in each case the word “year”;

(c) in the definition “final average salary”, omitting the words “two years” and substituting the word “year”;

(d) in the definition “officer”,

(i) omitting subparagraph (da);

(ii) inserting after the word “employed” wherever occurring save where it occurs in subparagraphs (c) and (d) the word “full-time”;

(iii) adding at the end thereof the following paragraph:—

“ :

For the purposes of this definition, a person who is employed in service governed by an industrial award or industrial agreement shall be taken not to be employed full-time unless the award or industrial agreement specifies a working week of 30 hours at the least ”;

(e) inserting after the definition “ officer ” the following definition:—

“ “ pensioner ” means a person who is entitled to a pension under this Act and includes a person who, but for an election under section 47, would be entitled to such a pension; ”;

(f) inserting after the definition “ the 1958 Act ” the following definition:—

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

(a) a woman who was legally married to the deceased person at the date of his death or, in the case of the death of a pensioner, at the date of his attaining the age for retirement or of his earlier final retirement;

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

(g) in subsection (3), omitting the words “ two years ” and substituting the words “ one year ”;

(h) in subsection (4), omitting the words “ two years ” wherever occurring and substituting in each case the words “ one year ” ;

(i) in subsection (5), omitting the words “ two years ” wherever occurring and substituting in each case the words “ one year ” ;

(j) in subsection (7), omitting the words “ two years ” and substituting the words “ one year ” ;

(k) in subsection (8), omitting the words “ in the service of the Crown ” and substituting the words “ as an officer within the meaning of this Act ” .

7. Amendment of s. 18. Section 18 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:—

“ (5) The Crown shall pay to the Fund interest at the rate of $6\frac{1}{2}$ per centum in respect of the period up to and including 30th June 1978 and thereafter at the rate of 7 per centum per annum upon the average monthly credit balance of the moneys standing to the credit of the Fund.”.

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

(a) in subsection (6), adding at the end thereof the following paragraph:—

“An officer who undergoes a medical examination to which this subsection refers following the expiration of six months after becoming an officer who is required under this Act to contribute to the Fund is entitled to the payment of benefits under this Act or to the suspension of contributions under section 23 only from and including the date on which the Board accepts the medical evidence submitted to it following that medical examination or such earlier date as the Board in a particular case determines.”;

(b) in subsection (7),

(i) omitting all words commencing with the words “period and if,” to the end of the subsection and substituting the word “period.”;

(ii) adding at the end thereof the following paragraph and provisos:—

“Where leave of absence to which this subsection refers other than sick leave of absence without pay is granted to a contributor for a period exceeding ten consecutive working days and such leave commences on or after 1st January 1979, he shall, in addition to continuing to contribute to the Fund as provided by this subsection, pay to the State Service Superannuation Additional Benefits Fund in respect of the period of the leave of absence so granted amounts equal to the payments that are required to be made by an employer thereto under sections 52 (2) and 52 (4) in respect of a contributor during a period of leave of absence without pay granted to him:

Provided that where such leave of absence is granted for a period of 13 weeks or more, the contributor to whom such leave of absence is granted may elect not to pay contributions to the Fund in respect of the period of leave of absence so granted and where a contributor so elects such contributions shall cease to be payable during such period and the Board shall waive the payments to the State Service Superannuation Additional Benefits Fund required by this subsection to be made by such contributor but in any such case the benefits under this Act to which such contributor or his dependants may become entitled shall be reduced by such amounts as are determined by the Actuary and approved by the Board:

Provided further that the Governor in Council may waive the requirement to make payments to the State Service Superannuation Additional Benefits Fund under this subsection either unconditionally or upon such terms and conditions as he determines in a particular case or with respect to a class of cases.”.

9. Amendment of s. 21. Section 21 of the Principal Act is amended by, in subsection (1), inserting after paragraph (a) the following paragraph:—

“(aa) in the case of an officer who is liable to contribute under this Act by reason of an election made under this Act, from the day on which the election is made or such later day as the Board in a particular case determines; or”.

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

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

“(2A) An officer to whom leave of absence without pay other than sick leave of absence without pay is granted for a period exceeding ten consecutive working days and such leave commences on or after 1st January 1979—

(a) shall, prior to the commencement of such leave of absence, pay to the Fund the total amount of contributions that he is required to pay under this Act for the period of such leave of absence and to the State Service Superannuation Additional Benefits Fund the total amount that he is required to pay thereto under section 20 (7); or

(b) shall make arrangements satisfactory to the Board for payment during the period of such leave of the amounts specified in paragraph (a) by such instalments and at such intervals of time as the Board approves.

Where a contributor to whom this subsection applies is granted leave of absence to which this subsection applies for a period of 13 weeks or more who does not make an election under section 20 (7) and who—

(c) does not make in the manner prescribed the payments prescribed by paragraph (a);

(d) does not make pursuant to paragraph (b) arrangements satisfactory to the Board for the making of those payments and make those payments,

the Board may reduce the benefits to which he or his dependants may become entitled under this Act by such amounts as are determined by the Actuary and approved by the Board.”;

(b) in subsection (3),

(i) inserting after the word “contributions” where it firstly occurs the words “and other payments required by section 20 (7) to be made by him”;

(ii) inserting after the word “contributions” where it secondly and thirdly occurs the words “and such other payments” in each case;

(c) in subsection (4), inserting after the word “contributions” wherever occurring the words “and additional payments prescribed by sections 20 (7) and 22 (2A)” in each case;

(d) in subsection (5), inserting after the word “contributions” the words “and additional payments”;

(e) in subsection (6),

(i) inserting after the word “contributions” the words “and additional payments”;

(ii) inserting after the word “Fund” the words “and the State Service Superannuation Additional Benefits Fund”;

(f) in subsection (7),

(i) inserting after the word “contributions” wherever occurring the words “and additional payments” in each case;

(ii) inserting after the word “Fund” wherever occurring the words “or the State Service Superannuation Additional Benefits Fund” in each case;

(g) in subsection (8),

(i) inserting after the expression "subsection (3)" where firstly occurring the expression "and section 20 (7)";

(ii) inserting after the expression "subsection (3)" where secondly occurring the expression " , section 20 (7) ".

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

(a) in subsection (1), omitting the words "for the time being" and substituting the words "as at 30th June 1978 varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount by which the amount of his salary as at 1st October last preceding";

(b) in subsection (2), omitting the words "for the time being" and substituting the words "as at 30th June 1978 (or in the case of an officer who commences to contribute after that date as at the date on and from which that officer commences to contribute) varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount of his salary as at 1st October last preceding if he was at that date a contributor";

(c) in subsection (3), omitting paragraphs (i) and (ii) and substituting the following paragraphs:—

"(c) where he was an officer to whom subsection (2) applied before he was retired on the ground of incapacity, of the amount of his salary as at the date he again becomes an officer varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount of his salary as at 1st October last preceding if he was at that date an officer;

(d) in any other case, of the amount by which the amount of his salary as at the date he again becomes an officer varied, in the first fortnightly pay period occurring wholly in the November of each year, to the prescribed rate per centum of the amount by which the amount of his salary as at 1st October last preceding (if he was at that date an officer) exceeds the amount of his salary at the time when he was so retired or at 31st December 1972 whichever is the earlier.";

(d) in subsection (7), inserting after the word "reduced" where firstly occurring the words "to a rate less than the rate upon which contributions are, for the time being, calculated".

12. Amendment of s. 25. Section 25 of the Principal Act is amended by—

(a) omitting subsection (3) and substituting the following subsection:—

"(3) Where the salary of a contributor is varied and the variation takes effect on or from a date earlier than the date prescribed under section 24 (1), 24 (2) or 24 (3) as the date at which the salary is determined for the purpose of calculating the amount of contribution payable, the salary as so varied shall be the salary applicable for such purpose.";

(b) in subsection (4),

(a) in paragraph (a), omitting the word “payable” where it occurs in subparagraph (i) and substituting the words “determined in accordance with that section”;

(b) in paragraph (b),

(i) in subparagraph (i), omitting the word “payable” and substituting the words “determined in accordance with that section”;

(ii) in subparagraph (ii), omitting the word “five” and substituting the words “four and three quarters”;

(iii) in subparagraph (iii), omitting the words “one-half” and substituting the words “one quarter”;

(iv) in subparagraph (iv), omitting the word “six” and substituting the words “five and three quarters”.

Subparagraphs (ii), (iii) and (iv) of this paragraph (b) shall have effect from and including the first fortnightly pay period occurring wholly in July 1978.

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

(a) omitting the word “and” where it occurs after paragraph (b);

(b) inserting after paragraph (c) the following paragraph:—

“(d) any reduction in benefits determined by the Actuary and approved by the Board in respect of contributors to whom sections 20 (7) and 22 (2A) apply shall be taken into account”.

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

(a) omitting subsection (6);

(b) inserting a new subsection (6) as follows:—

“(6) An officer who—

(a) becomes a contributor after the commencement of the *Superannuation Acts Amendment Act 1978*; and

(b) makes an election under section 24 (4A); and

(c) elects to retire in accordance with section 27 (1) (b),

is entitled to a pension in respect of the additional service determined under section 24 (6), calculated in accordance with the formula—

$$P = A \left(\frac{N}{60} \times \frac{M-C}{65-C} \right)$$

where

P represents the fortnightly amount of the pension payable to the contributor;

A represents the final average salary of the contributor;

N represents the additional length of service determined by the Board under section 24 (6);

M represents the age (expressed in years and complete months) of the contributor at the date of his retirement;

C represents the age (expressed in years and complete months) of the contributor at the date he commences to be a contributor,

in addition to the pension to which he would have been entitled if he had not made the election.”.

15. Amendment of s. 28. Section 28 of the Principal Act is amended by omitting subsection (5).

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

(a) in subsection (5), inserting after the words “final retirement” the words “unless, but for that marriage, she would have been his widow within the meaning of this Act”;

(b) in subsection (6), inserting after the word “remarries” the words “or, as the case may be, marries”;

(c) in subsection (7),

(i) inserting after the word “remarries” where it firstly occurs the words “or, as the case may be, marries”;

(ii) inserting after the word “remarried” the words “or, as the case may be, married”;

(iii) omitting all words from and including the words “of the death” to the end of the subsection and substituting the words “she again became a widow until her death or if she again marries until her further marriage.”;

(d) in subsection (8), omitting the words “Subsection (7) does not entitle a widow” and substituting the words “A widow is not entitled”;

(e) omitting subsection (11).

17. New s. 31A. The Principal Act is amended by inserting after section 31 the following section:—

“**31A. Apportionment of widow’s pension.** (1) Where a contributor or pensioner dies and is survived by more than one widow, a widow’s pension is payable at such rate as would be applicable if there were one entitled survivor only and that pension is payable to those persons in such proportions as the Board determines from time to time having regard to their respective needs and to such other matters as it considers relevant.

(2) Where a widow’s pension is payable to two or more persons in accordance with subsection (1) and one of those persons dies or marries, the widow’s pension payable in accordance with that subsection shall be that pension at the rate payable immediately before the death or marriage reduced by such proportion of that rate as was the proportion of the pension payable to the person immediately before her death or marriage.”.

18. Amendment of s. 32. Section 32 of the Principal Act is amended by omitting subsection (10).

19. Amendment of s. 35. Section 35 of the Principal Act is amended by—

(a) in subsection (1),

(i) inserting after the word “resignation” the words “prior to attaining the age of 60 years”;

(ii) inserting after the words “Fund under this Act” the words “and any payments made by him to the State Service Superannuation Additional Benefits Fund”;

(b) in subsection (2), inserting after the words “Fund under this Act” the words “and any payments made by him to the State Service Superannuation Additional Benefits Fund”;

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

“(6) In this section, child means a child—

(a) who is under the age of sixteen years;

(b) who has attained the age of sixteen years but is under the age of twenty-three years and who is receiving, in the opinion of the Board, full-time education at a school, college or university.”.

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

(a) in subsection (5), omitting subparagraphs (i) and (ii) of paragraph (a) and substituting the following subparagraphs:—

“(i) in the case of a contributor other than a contributor for limited benefits who has been a contributor for less than 20 years, a sum equal to that specified percentage of the amount of his fortnightly pension entitlement under this Act multiplied, in the case of a male contributor, by the factor set forth in the second column of Part I of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule or, in the case of a female contributor, by the factor set forth in the second column of Part II of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule; or

(ii) in the case of a contributor for limited benefits who has been a contributor for less than 20 years, a sum equal to that specified percentage of the amount of his fortnightly pension entitlement under this Act multiplied, in the case of a male contributor, by such factor as the Actuary determines on the basis of evidence of his state of health furnished under subsection (10), not exceeding the factor set forth in the second column of Part I of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule or, in the case of a female contributor, by such factor as the Actuary determines on the basis of evidence of her state of health furnished under subsection (10), not exceeding the factor set forth in the second column of Part II of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;”;

(b) in subsection (6), omitting subparagraphs (i) and (ii) of paragraph (a) and substituting the following subparagraphs:—

“(i) in the case of a contributor to whom subparagraph (i) of paragraph (a) of subsection (5) refers, a sum equal to his fortnightly pension entitlement multiplied, in the case of a male contributor, by the factor set forth in the second column of Part I of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule or, in the case of a female contributor, by the factor set forth in the second column of

Part II of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule; or

- (ii) in the case of a contributor to whom subparagraph (ii) of paragraph (a) of subsection (5) refers, a sum equal to his fortnightly pension entitlement multiplied, in the case of a male contributor, by such factor as the Actuary determines on the basis of evidence of his state of health furnished under subsection (10), not exceeding the factor set forth in the second column of Part I of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule or, in the case of a female contributor, by such factor as the Actuary determines on the basis of evidence of her state of health furnished under subsection (10), not exceeding the factor set forth in the second column of Part II of Schedule 1A opposite the age in years and complete months as at the date of retirement set forth in the first column of that Part of that Schedule;”.

21. Amendment of s. 48. Section 48 of the Principal Act is amended by omitting the words “to his widow is payable to her” and substituting the words “is payable”.

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

“(1d) Notwithstanding subsection (1) and subject to subsection (2), the Treasurer on behalf of the Crown shall pay to the Fund a contribution being the amount of each payment under sections 22 (7), 35 (1) and 35 (2) of this Act and section 20 (4) of the 1958 Act made out of the Fund that represents a refund of payments made by a contributor to the State Service Superannuation Additional Benefits Fund and payments under section 62B.”.

23. Amendment of s. 52. Section 52 of the Principal Act is amended by—

(a) in subsection (2), inserting after the expression “(4)” the words “and those who are required to make payments under sections 20 (7) and 22 (2A) of this Act and sections 26 (1) and 26 (3) of the 1958 Act during the period such payments are required to be made to such Fund”;

(b) in subsection (4),

(i) inserting after the words “Art Union” the words “or such other person, body or authority approved by the Governor in Council (who is hereby thereunto authorized) by whom a contributor is employed or having by law supervision or control in relation to the contributor’s employment where the salary of such contributor is paid with moneys other than moneys from the Consolidated Revenue Fund, the Loan Fund Account or any of the Trust and Special Funds”;

(ii) adding at the end thereof the following proviso:—

“:

Provided that payments pursuant to this subsection shall not be made by the Treasurer or, as the case may be, the employer to the State Service Superannuation Additional Benefits Fund

in cases where contributors themselves are required under sections 20 (7) and 22 (2A) of this Act and sections 26 (1) and 26 (3) of the 1958 Act to make such payments”;

(c) in subsection (5),

(i) inserting after the words “six per centum per annum” the words “in respect of the financial year ending on 30th June 1978 and in respect of each financial year thereafter seven per centum per annum”.

(ii) in the proviso,

(A) omitting the words “rate of six per centum per annum” and substituting the words “prescribed rate”;

(B) omitting the words “six per centum per annum” and substituting the words “the prescribed rate”.

24. New ss. 62A, 62B. The Principal Act is amended by inserting after section 62 the following sections:—

“62A. Preservation of rights of certain officers. (1) A person who became an officer on 1st July 1975 or becomes an officer after that date and who, in the period of one month prior to becoming an officer, had resigned as a member of the Queensland Police Force may, within three months after the date of commencement of the *Superannuation Acts Amendment Act 1978* or the date on which he becomes an officer whichever is the later, elect to pay to the Fund the amount of the refund received by him from the Police Superannuation Fund upon his resignation as a member of the Queensland Police Force less the amount, if any, received by him in respect of contributions paid by him for reserve units.

(2) Where an officer to whom subsection (1) applies pays to the Fund the amount specified in that subsection, the Police Superannuation Board shall pay from the Police Superannuation Fund to the State Service Superannuation Additional Benefits Fund in respect of that officer an amount determined by the Actuary and approved by the Police Superannuation Board as a transfer value based on contributions paid under section 36 of the *Police Superannuation Act 1968–1977* and section 49 of the *Police Superannuation Act 1974–1978*.

(3) Upon payment to the Fund and to the State Service Superannuation Additional Benefits Fund respectively of the amounts specified in subsections (1) and (2), the officer shall contribute to the Fund at such rates and shall be entitled to be paid therefrom such benefits as are determined by the Actuary and approved by the Board.

62B. Payment by Board to Police Superannuation Fund. Where a person who, being eligible to elect under section 58A of the *Police Superannuation Act 1974–1978* to pay to the Police Superannuation Fund the amount refunded to him from the State Service Superannuation Fund so elects and pays such amount to the Police Superannuation Fund, the Board shall pay to the Police Superannuation Fund from the Fund in respect of that

person an amount determined by the Actuary and approved by the Board as a transfer value based on contributions paid under sections 52 (2) and 52 (4) of the *State Service Superannuation Act 1972-1978*.

25. Amendment of s. 66. Section 66 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “, with the approval of the Minister,”;

(b) in subsection (2), omitting the words “and as the Minister may approve”;

(c) omitting subsection (3).

26. New Schedule 1A. The Principal Act is amended by inserting after Schedule 1 the following Schedule:—

“ SCHEDULE 1A

[s. 47]

PART I—COMMUTATION FACTORS FOR MALES

| First Column | | Second Column |
|--|--------|--------------------|
| Age in Years and Complete Months at Date of Retirement | | Commutation Factor |
| Years | Months | |
| 60 | 0 | 313 |
| 60 | 1 | 312 |
| 60 | 2 | 311 |
| 60 | 3 | 310 |
| 60 | 4 | 310 |
| 60 | 5 | 309 |
| 60 | 6 | 308 |
| 60 | 7 | 307 |
| 60 | 8 | 306 |
| 60 | 9 | 305 |
| 60 | 10 | 304 |
| 60 | 11 | 304 |
| 61 | 0 | 303 |
| 61 | 1 | 302 |
| 61 | 2 | 301 |
| 61 | 3 | 300 |
| 61 | 4 | 299 |
| 61 | 5 | 298 |
| 61 | 6 | 297 |
| 61 | 7 | 297 |
| 61 | 8 | 296 |

PART I—COMMUTATION FACTORS FOR MALES—*continued*

| First Column | | Second Column |
|--|--------|--------------------|
| Age in Years and Complete Months at Date of Retirement | | Commutation Factor |
| Years | Months | |
| 61 | 9 | 295 |
| 61 | 10 | 294 |
| 61 | 11 | 293 |
| 62 | 0 | 292 |
| 62 | 1 | 291 |
| 62 | 2 | 290 |
| 62 | 3 | 290 |
| 62 | 4 | 289 |
| 62 | 5 | 288 |
| 62 | 6 | 287 |
| 62 | 7 | 286 |
| 62 | 8 | 285 |
| 62 | 9 | 284 |
| 62 | 10 | 284 |
| 62 | 11 | 283 |
| 63 | 0 | 282 |
| 63 | 1 | 281 |
| 63 | 2 | 280 |
| 63 | 3 | 279 |
| 63 | 4 | 278 |
| 63 | 5 | 277 |
| 63 | 6 | 277 |
| 63 | 7 | 276 |
| 63 | 8 | 275 |
| 63 | 9 | 274 |
| 63 | 10 | 273 |
| 63 | 11 | 272 |
| 64 | 0 | 271 |
| 64 | 1 | 270 |
| 64 | 2 | 270 |
| 64 | 3 | 269 |
| 64 | 4 | 268 |
| 64 | 5 | 267 |
| 64 | 6 | 266 |
| 64 | 7 | 265 |
| 64 | 8 | 264 |
| 64 | 9 | 264 |
| 64 | 10 | 263 |
| 64 | 11 | 262 |
| 65 | 0 | 261 |

SCHEDULE 1A
PART II—COMMUTATION FACTORS FOR FEMALES

| First Column | | Second Column |
|--|--------|--------------------|
| Age in Years and Complete Months at Date of Retirement | | Commutation Factor |
| Years | Months | |
| 60 | 0 | 339 |
| 60 | 1 | 338 |
| 60 | 2 | 337 |
| 60 | 3 | 337 |
| 60 | 4 | 336 |
| 60 | 5 | 335 |
| 60 | 6 | 334 |
| 60 | 7 | 333 |
| 60 | 8 | 332 |
| 60 | 9 | 331 |
| 60 | 10 | 330 |
| 60 | 11 | 330 |
| 61 | 0 | 329 |
| 61 | 1 | 328 |
| 61 | 2 | 327 |
| 61 | 3 | 326 |
| 61 | 4 | 325 |
| 61 | 5 | 324 |
| 61 | 6 | 324 |
| 61 | 7 | 323 |
| 61 | 8 | 322 |
| 61 | 9 | 321 |
| 61 | 10 | 320 |
| 61 | 11 | 319 |
| 62 | 0 | 318 |
| 62 | 1 | 317 |
| 62 | 2 | 317 |
| 62 | 3 | 316 |
| 62 | 4 | 315 |
| 62 | 5 | 314 |
| 62 | 6 | 313 |
| 62 | 7 | 312 |
| 62 | 8 | 311 |
| 62 | 9 | 310 |
| 62 | 10 | 310 |
| 62 | 11 | 309 |
| 63 | 0 | 308 |
| 63 | 1 | 307 |
| 63 | 2 | 306 |
| 63 | 3 | 305 |

PART II—COMMUTATION FACTORS FOR FEMALES—*continued*

| First Column | | Second Column |
|--|--------|--------------------|
| Age in Years and Complete Months at Date of Retirement | | Commutation Factor |
| Years | Months | |
| 63 | 4 | 304 |
| 63 | 5 | 304 |
| 63 | 6 | 303 |
| 63 | 7 | 302 |
| 63 | 8 | 301 |
| 63 | 9 | 300 |
| 63 | 10 | 299 |
| 63 | 11 | 298 |
| 64 | 0 | 297 |
| 64 | 1 | 297 |
| 64 | 2 | 296 |
| 64 | 3 | 295 |
| 64 | 4 | 294 |
| 64 | 5 | 293 |
| 64 | 6 | 292 |
| 64 | 7 | 291 |
| 64 | 8 | 290 |
| 64 | 9 | 290 |
| 64 | 10 | 289 |
| 64 | 11 | 288 |
| 65 | 0 | 287 " |

PART III—AMENDMENTS OF THE PUBLIC SERVICE SUPERANNUATION ACT 1958–1976

27. Citation. (1) In this Part, the *Public Service Superannuation Act 1958–1976* 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 1958–1978*.

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

(a) omitting the definition “Child”;

(b) inserting after the definition “Part” the following definition:—

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

(c) inserting after the definition "Salary" the following definition:—

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

(a) a woman who was legally married to the deceased person at the date of his death or, in the case of the death of a person in receipt of benefit, at the date of his attaining the age of 65 years or of his earlier final retirement;

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

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

(a) in subsection (3),

(i) in paragraph (b), inserting after the word "contributions" the words "and additional payments prescribed by section 26 (3)";

(ii) in paragraph (c), inserting after the word "contributions" the words "or additional payments";

(iii) in paragraph (d),

(A) inserting after the word "contributions" the words "and additional payments";

(B) inserting after the word "Fund" the words "and the State Service Superannuation Additional Benefits Fund";

(b) in subsection (4),

(i) inserting after the word "contributions" wherever occurring the words "and additional payments" in each case;

(ii) inserting after the word "Fund" wherever occurring the words "or the State Service Superannuation Additional Benefits Fund" in each case;

(iii) inserting after the word "accumulated" the words "in respect only of contributions payable by him to the Fund".

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

(a) in subsection (1), adding at the end thereof the following paragraph and provisos:—

"Where leave of absence to which this subsection refers other than sick leave of absence without pay is granted to a contributor for a period exceeding ten consecutive working days and that leave commences on or after 1st January 1979, he shall, in addition to continuing to contribute to the Fund as provided by this subsection, pay to the State Service Superannuation Additional

Benefits Fund in respect of the period of the leave of absence so granted amounts equal to the payments that are required to be made by an employer thereto under section 52 (2) and 52 (4) of the *State Service Superannuation Act 1972-1978* in respect of a contributor during a period of leave of absence without pay granted to him:

Provided that where such leave of absence is granted for a period of 13 weeks or more, the contributor to whom such leave of absence is granted may elect not to pay contributions to the Fund in respect of the period of leave of absence so granted and where a contributor so elects such contributions shall cease to be payable during such period and the Board shall waive the payments to the State Service Superannuation Additional Benefits Fund required by this subsection to be made by such contributor but in any such case the benefits under this Act to which such contributor or his dependants may become entitled shall be reduced by such amounts as are determined by the Actuary and approved by the Board:

Provided further that the Governor in Council may waive the requirement to make payments to the State Service Superannuation Additional Benefits Fund under this subsection either unconditionally or upon such terms and conditions as he determines in a particular case or with respect to a class of cases.”;

(b) omitting subsection (3) and substituting the following subsection:—

“(3) An officer to whom leave of absence without pay other than sick leave of absence without pay is granted for a period exceeding ten consecutive working days and that leave commences on or after 1st January 1979—

(a) shall, prior to the commencement of such leave of absence, pay to the Fund the total amount of contributions that he is required to pay under this Act for the period of such leave of absence and to the State Service Superannuation Additional Benefits Fund the total amount that he is required to pay thereto under subsection (1); or

(b) shall make arrangements satisfactory to the Board for payment during the period of such leave of the amounts specified in paragraph (a) by such instalments and at such intervals of time as the Board approves.

Where a contributor to whom this subsection applies is granted leave of absence to which this subsection applies for a period of 13 weeks or more and who does not make an election under subsection (1)—

(c) does not make in the manner prescribed the payments prescribed by paragraph (a);

(d) does not make pursuant to paragraph (b) arrangements satisfactory to the Board for the making of those payments and make those payments,

the Board may reduce the benefits to which he or his dependants may become entitled under this Act by such amounts as are determined by the Actuary and approved by the Board.”.

31. Amendment of s. 30. Section 30 of the Principal Act is amended by, in subsection (3), omitting the formula " $R = 3.84 (1 - 0.06t)$ " and all words to the end of the subsection and substituting the following formula and words:—

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

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 (expressed in years and complete months) as at the date of his retirement."

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

(a) in subsection (2),

(i) in subparagraph (ii), inserting before the word "before" where it secondly occurs the words "or her connubial relationship with him has subsisted for a continuous period of three years at the least immediately";

(ii) in subparagraph (ia), inserting before the word "before" where it secondly occurs the words "or her connubial relationship with him has subsisted for a continuous period of three years at the least immediately";

(iii) in subparagraph (iii), inserting before the word "before" where it secondly occurs the words "or her connubial relationship with him has subsisted for a continuous period of three years at the least immediately";

(b) in subsection (3), inserting after the word "remarries" the words "or, as the case may be, marries";

(c) in subsection (4),

(i) inserting after the word "remarries" where it firstly occurs the words "or, as the case may be, marries";

(ii) inserting after the word "remarried" the words "or, as the case may be, married";

(iii) omitting all words from and including the words "of the death" to the end of the subsection and substituting the words "she again became a widow until her death or if she again marries until her further marriage";

(d) in subsection (5), omitting the words "Subsection (4) of this section does not entitle a widow" and substituting the words "A widow is not entitled".

33. New s. 33A. The Principal Act is amended by inserting after section 33 the following section:—

"33A. Apportionment of assurance benefit. (1) Where a contributor or person in receipt of benefit dies and is survived by more than one widow, assurance benefit is payable at such rate as would be applicable if there were one entitled survivor only and that benefit is payable to those persons in such proportions as the Board determines from time to time having regard to their respective needs and to such other matters as it considers relevant.

(2) Where assurance benefit is payable to two or more persons in accordance with subsection (1) and one of those persons dies or marries, the assurance benefit payable in accordance with that subsection shall be that benefit at the rate payable immediately before the death or marriage reduced by such proportion of that rate as was the proportion of the assurance benefit payable to the person immediately before her death or marriage.”.

34. Amendment of s. 34. Section 34 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) **Units of assurance benefit.** Subject to subsection (2), the unit of assurance benefit is at the rate of \$2.56 per fortnight, save and except as follows:—

- (a) where entitlement is derived from a person who, after the commencement of Part III of the *Superannuation Acts Amendment Act 1974* (No. 2) and before 1st April 1978, retired before the day on which he would attain the age for retirement by reason of an election as mentioned in paragraph (iv) of section 29 (2), the unit of assurance benefit is at the rate per fortnight ascertained in accordance with the formula—

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

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 (expressed in years and complete months) as at the date of his retirement;

- (b) where entitlement is derived from a person who, after the commencement of the *Superannuation Acts Amendment Act 1978*, retired before the day on which he would attain the age for retirement by reason of an election as mentioned in paragraph (iv) of section 29 (2), the unit of assurance benefit is at the rate per fortnight ascertained in accordance with the formula—

$$R = 2.56 \left(1 - \frac{t}{45} \right)$$

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 (expressed in years and complete months) as at the date of his retirement.”.

35. Amendment of s. 37. Section 37 of the Principal Act is amended by omitting the words “if he is then unmarried or a widower” and substituting the words “if there is then in respect of him no person who on his death would be entitled to receive assurance benefit”.

36. Amendment of s. 39. Section 39 of the Principal Act is amended by omitting the words "who is unmarried or a widower" and substituting the words "in respect of whom there is no person who on his death would be entitled to receive assurance benefit".

PART IV—AMENDMENTS OF THE POLICE SUPERANNUATION ACT
1974–1977

37. Citation. (1) In this Part, the *Police Superannuation Act 1974–1977* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Police Superannuation Act 1974–1978*.

38. New ss. 58A, 58B. The Principal Act is amended by inserting after section 58 the following sections:—

"58A. Preservation of rights of certain members. (1) A person who became a member on 1st July 1975 or becomes a member after that date and who, in the period of one month prior to becoming a member, had resigned as an officer within the meaning of the *State Service Superannuation Act 1972–1978* may, within three months after the date of commencement of the *Superannuation Acts Amendment Act 1978* or the date on which he becomes a member whichever is the later, elect to pay to the Fund the amount of the refund received by him from the State Service Superannuation Fund upon his ceasing to be a contributor to that Fund less the amount, if any, received by him in respect of contributions paid by him for reserve units.

(2) Where a member to whom subsection (1) applies pays to the Fund the amount specified in that subsection, the State Service Superannuation Board shall pay from the State Service Superannuation Fund to the Police Superannuation Fund in respect of that member an amount determined by the Actuary and approved by the State Service Superannuation Board as a transfer value based on contributions paid under sections 52 (2) and 52 (4) of the *State Service Superannuation Act 1972–1978*.

(3) Upon payment to the Fund of the amounts specified in subsections (1) and (2), the member shall contribute to the Fund at such rates and shall be entitled to be paid therefrom such benefits as are determined by the Actuary and approved by the Board.

58B. Payment by Board to State Service Superannuation Additional Benefits Fund. Where a person who being eligible to elect under section 62A of the *State Service Superannuation Act 1972–1978* to pay to the State Service Superannuation Fund the amount refunded to him from the Police Superannuation Fund so elects and pays such amount to the State Service Superannuation Fund, the Board shall pay to the State Service Superannuation Additional Benefits Fund from the Fund in respect of that person an amount determined by the Actuary and approved by the Board as a transfer value based on contributions paid under section 36 of the *Police Superannuation Act 1968–1977* and section 49 of the *Police Superannuation Act 1974–1978*."