

Queensland



ANNO TRICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

No. 35 of 1985

An Act to provide for portability of superannuation entitlements of persons engaged in public employment and to amend the State Service Superannuation Act 1972-1984, the Public Service Superannuation Act 1958-1984, the Police Superannuation Act 1974-1984, the Police Superannuation Act 1968-1984 and the Parliamentary Contributory Superannuation Act 1970-1984 each in certain particulars

[Assented to 17th April, 1985]

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 (Public Employees Portability and Acts Amendment) Act 1985*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided in subsection (1), this Act shall commence on a day appointed by Proclamation.

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

PART I—PRELIMINARY (ss. 1-4);

PART II—PORTABILITY OF ENTITLEMENTS (ss. 5-13);

PART III—AMENDMENT OF STATE SERVICE SUPERANNUATION ACT (ss. 14-26);

PART IV—AMENDMENT OF PUBLIC SERVICE SUPERANNUATION ACT (ss. 27-32);

PART V—AMENDMENT OF POLICE SUPERANNUATION ACT 1974-1984 (ss. 33-49);

PART VI—AMENDMENT OF POLICE SUPERANNUATION ACT 1968-1984 (ss. 50-56);

PART VII—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT (ss. 57-65).

4. Meaning of terms. (1) In Part II, except where a contrary intention appears—

“actuary” means the person appointed as actuary under the legislation or other rules relevant to a superannuation scheme and includes the person on whom the administrators of such a scheme rely for actuarial advice in respect of the scheme;

“administrators” means the person or persons authorized by the legislation or other rules relevant to an approved superannuation scheme or an eligible superannuation scheme to administer the scheme;

“approved superannuation scheme” means—

(a) the superannuation scheme administered by the State Service Superannuation Board constituted under the *State Service Superannuation Act 1972-1984*;

(b) the superannuation scheme administered by the Police Superannuation Board constituted under the *Police Superannuation Act 1974-1984*;

(c) the superannuation scheme administered by The Trustees of the Parliamentary Contributory Superannuation Fund

constituted under the *Parliamentary Contributory Superannuation Act 1970-1984*;

- (d) any superannuation scheme established or participated in pursuant to authority conferred by a law of Queensland, established for the benefit of employees in public employment and declared by Order in Council to be an approved superannuation scheme for the purposes of this Act;

“contributor” means a person who contributes to a superannuation scheme or from whose salary deductions are made and paid to a superannuation scheme;

“contributor’s component” means that portion of a transfer value determined by the person who determined that value to be the portion financed from the contributions made to a superannuation scheme by a contributor and includes interest (if any) earned and determined or accepted by that person to be attributable to those contributions;

“elector” means a person who has duly made an election referred to in section 6 (1);

“eligible officer” means an employee in public employment who is contributing to an approved superannuation scheme or an eligible superannuation scheme and includes—

- (a) a member of the Legislative Assembly; and
- (b) a person who is undergoing training for appointment as a member of the Police Force of Queensland constituted under the *Police Act 1937-1984*;

“eligible superannuation scheme” means a superannuation scheme declared by the Minister under this Act to be an eligible superannuation scheme;

“Fund” means the fund or account consisting wholly or partly of contributions paid by contributors to an approved superannuation scheme;

“Minister” means the Premier or other Minister of the Crown for the time being charged with the administration of this Act and includes any Minister of the Crown for the time being performing the duties of the Minister;

“public employment” means employment on a full time basis as an employee—

- (a) in the Public Service of the Commonwealth or a prescribed State or Territory of the Commonwealth; or
- (b) of a prescribed authority constituted by or under a law of the Commonwealth or a State or Territory of the Commonwealth; or
- (c) of any other prescribed authority that discharges a public function,

and includes service on a full time basis in the Defence Force of the Commonwealth;

“relict” means a widow or a widower;

“subsidy component” means the difference between a transfer value and the contributor’s component of that transfer value;

“transfer value” means a lump sum that consists of a contributor’s component and a subsidy component payable by an approved superannuation scheme or an eligible superannuation scheme in respect of the entitlements under the scheme of a person at the time of his ceasing to be a contributor to the scheme by reason of his voluntary resignation from his employment or by reason of his being retrenched or by reason of his ceasing to be a member of the Legislative Assembly.

(2) A reference in Part II to an Act or enactment of the Commonwealth includes a reference to that Act or enactment as amended.

PART II—PORTABILITY OF ENTITLEMENTS

5. Approved superannuation schemes to be subject to this Part. The provisions of every approved superannuation scheme shall be read and construed subject to this Part and as if those provisions provided for so much of the matters prescribed by sections 6 to 11 both inclusive as are relevant to the scheme.

6. Election to forgo benefit other than that prescribed by this Part. (1) A person who—

(a) ceases to be a contributor to an approved superannuation scheme by reason of—

his voluntary resignation from his employment;

his being retrenched; or, as the case may be,

his ceasing to be a member of the Legislative Assembly,

and who within a period of three months after he ceases to be a contributor again becomes an eligible officer; or

(b) being an eligible officer and being a contributor to an approved superannuation scheme pursuant to section 56 of the *State Service Superannuation Act 1972-1984*, ceases to be such a contributor,

is, subject to this section, entitled to elect to forgo all his entitlements under the approved superannuation scheme, other than the entitlement prescribed by this Part, arising by reason of his ceasing to be a contributor to the approved superannuation scheme.

(2) A person shall not be entitled to make an election referred to in subsection (1) if at the time of the occurrence of the event in relation to which the question of his so electing arises he has not attained the age of 20 years or, where some other age is prescribed by Order in Council in respect of the approved superannuation scheme concerned, that age.

- (3) An election referred to in subsection (1)—
- (a) shall be made by notice in writing given to the administrators of the approved superannuation scheme concerned; and
 - (b) shall be made—
 - (i) in the case of a person described in paragraph (a) of that subsection, within three months after the elector again becomes an eligible officer; or
 - (ii) in the case of a person described in paragraph (b) of that subsection, within three months after the elector ceases to be a contributor to the approved superannuation scheme concerned,

if it is to have any force and effect.

7. Payment of transfer value and advice as to contributor's component.

As soon as practicable after receipt by them of a duly made election referred to in section 6 (1) the administrators of the approved superannuation scheme to which the election relates shall—

- (a) pay a transfer value from the Fund administered by them to the administrators of the superannuation scheme to which the elector is a contributor; and
- (b) advise the administrators of the superannuation scheme to which the elector is a contributor of the amount of the transfer value that is the contributor's component.

8. Determination of transfer value and contributor's component. (1)

The actuary shall determine the amount of the transfer value to be paid from the Fund of the approved superannuation scheme on account of the elector and, having regard to subsection (3), shall make in respect thereof appropriate allowance for any transfer value received by the administrators of the approved superannuation scheme on account of the elector in respect of his becoming a contributor to the scheme and shall, having regard to subsection (2), determine and declare in writing to the administrators of the approved superannuation scheme the amount of the transfer value that is the contributor's component.

(2) In no case shall the contributor's component of a transfer value payable from the Fund of an approved superannuation scheme exceed the amount that the elector would have been entitled to receive under the scheme had he not made an election referred to in section 6 (1).

(3) Where the administrators of an approved superannuation scheme have received a transfer value that includes a subsidy component that has at any time, wholly or in part, been determined by or on behalf of the administrators of the superannuation scheme established under any of the following Acts of the Commonwealth:—

- (a) the Superannuation Act 1922;
- (b) the Superannuation Act 1976;
- (c) the Defence Forces Retirement Benefits Act 1948;
- (d) the Defence Force Retirement and Death Benefits Act 1973,

the subsidy component (to the extent so determined) of that transfer value shall not be paid from the Fund of the approved superannuation scheme

pursuant to section 7 unless the superannuation scheme to which the elector has become a contributor is—

- (e) an eligible superannuation scheme under section 119R of the Superannuation Act 1922 of the Commonwealth for the purposes of Division 3 of Part XA of that Act or under section 134 of the Superannuation Act 1976 of the Commonwealth for the purposes of Division 3 of Part IX of that Act; or
- (f) an approved superannuation scheme under section 119ZC (11) of the Superannuation Act 1922 of the Commonwealth for the purposes of section 119ZC of that Act or under section 145 (11) of the Superannuation Act 1976 of the Commonwealth for the purposes of section 145 of that Act; or
- (g) the superannuation scheme established under the Superannuation Act 1976 of the Commonwealth.

9. Recoupment to Fund of certain payments. Where the Fund from which a transfer value is paid is the State Service Superannuation Fund, the Treasurer of Queensland shall forthwith pay to that Fund from the State Service Superannuation Additional Benefits Fund such portion of that transfer value as is determined by the actuary to be the subsidy component of that transfer value and to be the liability of the State Service Superannuation Additional Benefits Fund.

10. Receipt and application of transfer values. (1) The administrators of an approved superannuation scheme shall place to the credit of the Fund administered by them every transfer value received by them and thereupon that Fund shall become and be liable, to the exclusion of every other Fund, in respect of all benefits under the approved superannuation scheme of which it is the Fund derived by reason of the payment and receipt of the transfer value.

(2) Subject to subsections (3) and (4), every transfer value credited to the Fund of an approved superannuation scheme shall be so regarded and applied as—

- (a) to increase the benefits or rates of benefits that would have been payable under the scheme in respect of the elector on whose account the transfer value was paid had the transfer value not been paid; or
- (b) to vary the method of determining the benefits or rates of benefits payable in respect of the elector on whose account the transfer value was paid so as to increase the benefits or rates of benefits as specified in paragraph (a),

as is determined by the administrators of the approved superannuation scheme after consultation with the actuary.

(3) The total benefits or rates of benefits payable in respect of the elector on whose account the transfer value was paid shall not exceed the maximum benefits or rates of benefits payable to other contributors to the approved superannuation scheme in accordance with the scheme's provisions.

(4) Where a transfer value has been credited to the Fund established and kept under the *Parliamentary Contributory Superannuation Act 1970-1984*—

- (a) the amount of the transfer value shall not be taken into account for the purpose of assessing sums payable into the Fund by the Treasurer of Queensland; and
- (b) the transfer value shall not be so regarded or applied as to increase the benefits or vary the method of determining the benefits payable to a member who ceases to be a member of the Legislative Assembly before attaining the age of 60 years except where—
 - (i) he ceases to be a member by reason of his death; or
 - (ii) he ceases to be a member by reason of ill health and has a pension entitlement under that Act.

11. Disposal of transfer values otherwise than in payment of benefits.

Where a person, being an elector on whose account a transfer value has been paid to the administrators of an approved superannuation scheme,

has ceased to contribute to that scheme by reason of his ceasing employment or, as the case may be, ceasing to be a member of the Legislative Assembly; and

has not thereupon again become an elector,

and the transfer value has not been so regarded and applied as to increase the benefits or rates of benefits as prescribed by section 10, there shall be paid to that person out of the Fund of that approved superannuation scheme an amount determined by the actuary and approved by the administrators of the Fund, having regard to the amount of benefit entitlement that would have been payable to that person by reason of his ceasing to be a contributor to the approved superannuation scheme in which he has elected under this Part to forgo his entitlement or the eligible superannuation scheme in which he has, under an authorization other than this Part, forgone his entitlement, if he had not so elected or had not forgone his entitlement, as the case may be, and the transfer value had not been paid to the administrators aforesaid.

12. Declaration of eligible superannuation schemes. The Minister may, by notification published in the Gazette, declare a superannuation scheme that is established for the benefit of employees in public employment and that is not an approved superannuation scheme to be an eligible superannuation scheme if the scheme provides for or its provisions are to be read and construed as providing for—

- (a) the acceptance by the person or persons who administer the scheme of a transfer value upon the entry into the scheme of a contributor to the scheme and the application of that transfer value to purchase on behalf of the contributor benefits of a class of benefit available to all other contributors to the scheme;
- (b) the restriction of benefits that may be purchased with the subsidy component of a transfer value to benefits that are

payable only in the event of the contributor's ceasing to contribute to the scheme by reason of his having retired upon attaining an age or a time for retirement under the scheme, his retrenchment, his ill-health or his death; and

- (c) in the case of a contributor to the scheme who voluntarily resigns from his employment and within a limited period thereafter becomes an eligible officer, either—
 - (i) the payment to the superannuation scheme to which the contributor is then contributing of a transfer value; or
 - (ii) the maintenance within the scheme of a deferred benefit (subsidised by the person or authority that was the employer of the contributor before his resignation) in respect of the contributor's entitlements under the scheme.

13. Regulations etc. (1) The Governor in Council may—

- (a) by Order in Council declare any person or authority to be—
 - (i) a prescribed authority within the meaning of paragraph (b) of the definition "public employment" in section 4, if that person or authority is constituted in manner provided by that paragraph; or
 - (ii) a prescribed authority that discharges a public function within the meaning of paragraph (c) of the definition "public employment" in section 4, if in his opinion that person or authority discharges a function that is a public function; and
- (b) by regulations not inconsistent with this Act prescribe for or with respect to all matters, other than the matter referred to in paragraph (a), that in his opinion are necessary or convenient for the proper administration of this Act or to achieve the objects and purposes of this Act.

(2) For the purpose of this Act a person or authority may be treated as discharging a public function if—

- (a) he or it is financed for the purpose of discharging any function, in whole or in a substantial part, either directly or indirectly, by moneys provided by the Crown in right of the Commonwealth or any State or Territory of the Commonwealth; or
- (b) being a company incorporated or other body corporate constituted under a law of the Commonwealth or any State or Territory of the Commonwealth, the Crown in right of the Commonwealth or of such State or Territory has a controlling interest therein.

The provisions of this subsection shall not be construed as restricting the meaning of the expression "that discharges a public function".

(3) An authority may be declared pursuant to subsection (1) whether or not it is a corporate entity.

PART III—AMENDMENT OF STATE SERVICE
SUPERANNUATION ACT

14. Citation. (1) In this Part the *State Service Superannuation Act 1972-1984* 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 1972-1985*.

15. Amendment of s. 4. Interpretation of terms. Section 4 of the Principal Act is amended by inserting after the definition “service” the following definition:—

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

16. Amendment of s. 6. State Service Superannuation Board. Section 6 of the Principal Act is amended by omitting subsections (3), (4), (5) and (6) and substituting the following subsections:—

“(3) The Minister shall nominate for appointment to the Board three officers selected by him as follows—

one shall be selected from the Teachers’ Division;

one shall be selected from the Professional Division; and

one shall be selected from the Administrative, Clerical and General Division,

being the divisions of contributors defined in Schedule I.

(4) A member of the Board selected by the Minister as prescribed by subsection (3) shall not be taken to be a representative solely of the division from which he was selected.”.

17. Amendment of s. 9. Filling of casual vacancies. Section 9 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“(2) If the vacancy is in the office of an officer selected from a division of contributors defined in Schedule I, the officer nominated pursuant to subsection (1) shall be selected by the Minister from the same division.”.

18. Amendment of s. 24. Rates of contribution. Section 24 of the Principal Act is amended by, in subsection (7)—

(a) omitting the word “Where” and substituting the words “Except in the case of a contributor referred to in section 40A, where”;

(b) inserting after the word “thereupon” the words “, except as aforesaid,”.

19. Amendment of s. 25. Further provisions re contributions. Section 25 of the Principal Act is amended by, in subsection (4), omitting from paragraph (a) the expression “— —” where it occurs after the words “*Amendment Act 1984*” and substituting the expression “—”.

20. Repeal of and new Division II of Part IV. The Principal Act is amended by repealing sections 31, 31A, 31B and 31C and the heading immediately preceding section 31 and substituting the following heading and sections:—

“Division II—Relicts’ Benefits

31. Entitlement to benefit. (1) Subject to subsections (3) and (5), a relict of—

- (a) a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who when he died was—
 - a contributor for category A benefits; or
 - a contributor for category B benefits and had completed at least 10 years’ service;
- (b) a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A and who when she died was—
 - a contributor for category A benefits; or
 - a contributor for category B benefits and had completed at least 10 years’ service; or
- (c) a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984* and who when he or she died was—
 - a contributor for category A benefits; or
 - a contributor for category B benefits and had completed at least 10 years’ service,

is entitled to the payment of an amount calculated—

- (i) where the contributor had not attained the age of 60 years, in accordance with the formula—

$$A = B \times C \times \frac{(D - 5)}{D},$$

where—

- A represents the amount payable;
- B represents the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death;
- C represents the factor set forth in Schedule III opposite the age in years of the contributor as at the date of his or her death;
- D represents the length of service of the contributor, expressed in years, ascertained as prescribed by section 26 as if he or she had retired and become

eligible for an incapacity pension immediately before his or her death;

- (ii) where the contributor had attained the age of 60 years, in accordance with the formula—

$$A = B \times C \times \frac{(D - E)}{D},$$

where—

A represents the amount payable;

B represents the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death;

C represents the factor set forth in Schedule IIIA opposite the age in years and completed months of the contributor as at the date of his or her death;

D represents the length of service of the contributor, expressed in years, ascertained as prescribed by section 26 as if he or she had retired and become eligible for an incapacity pension immediately before his or her death;

E represents the difference between the contributor's age in years and completed months as at the date of his or her death and 65.

- (2) Subject to subsections (3) and (5) a relict of—

- (a) a male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and who immediately before becoming eligible for a pension was—

a contributor for category A benefits; or

a contributor for category B benefits and had completed at least 10 years' service,

- (b) a male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled or, but for the operation of section 44, would have been entitled to a pension from the Fund and who immediately before becoming eligible for a pension was—

a contributor for category A benefits; or

a contributor for category B benefits and had completed at least 10 years' service; or

- (c) a female pensioner who—

became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or

became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A,

and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled or, but for the operation of section 44, would have been entitled to a pension from the Fund and who immediately before becoming eligible for a pension was—

a contributor for category A benefits; or

a contributor for category B benefits and had completed at least 10 years' service,

is entitled to the payment of an amount calculated in accordance with the formula—

$$A = B \times C,$$

where—

A represents the amount payable;

B represents the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 44, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 47, would have been entitled immediately before his death if he had not made the election and, where the spouse was an officer who had not retired, as if he had retired;

C represents the factor set forth in Schedule IIIB opposite the age at nearest birthday of the relict as at the date of the spouse's death.

(3) A relict—

of a male contributor for category B benefits who attained the age for retirement before the passing of the *Superannuation Acts Amendment Act 1984* and who died in service; or

of a male former contributor for category B benefits who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*,

being a contributor or former contributor who at the time of his retirement or attaining the age for retirement (whichever event first occurred) had completed at least 10 years' service but less than 20 years' service and who immediately before his death was

entitled to a pension under section 29 (4) or 30 (4) is entitled to payment of an amount calculated in accordance with the formula—

$$A = B \times C \times \frac{D}{20},$$

where—

A represents the amount payable;

B represents the fortnightly amount of pension that the contributor would have been receiving or for which he would have been eligible immediately before his death if he had retired upon attaining the age for retirement and had not made an election under section 47 or, in the case of a former contributor, the fortnightly amount of pension that—

(i) where the former contributor's entitlement to a contributor's pension had ceased or been reduced by reason of an election under section 47, he would have been entitled to receive immediately before his death if he had not made the election; or

(ii) in any other case, the former contributor was receiving or for which he was eligible immediately before his death;

C represents the factor set forth in Schedule IIIB opposite the age at nearest birthday of the relict as at the date of her spouse's death;

D represents the length of service, expressed in years, of the contributor or former contributor as at the date of his attaining the age for retirement or his retirement, whichever event first occurred.

(4) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a male continuing contributor immediately before he finally ceased to contribute to the Fund the entitlement to an amount under this section is in addition to the benefits (if any) derived through the contributor or pensioner under the 1958 Act.

(5) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a female continuing contributor who had increased the rate of her contribution to the Fund pursuant to section 24A an amount shall be payable to the relict entitled to an amount under this section (other than this subsection) determined by the Actuary and approved by the Board in lieu of the amount prescribed by subsection (1) or (2).

(6) For the purposes of subsection (1), (2) or (3), other than for the purpose of construing factor D defined in subsection (1), additional service determined by the Board under section 24 (6) shall be disregarded.

(7) Where a contributor or pensioner dies and is survived by more than one relict—

- (a) the amount payable under this section is that which would be payable if there were but one relict; or
- (b) in the case where the deceased contributor was a person who contributed for category B benefits and had less than 10 years' service, the benefit provided for by section 35 shall be in such amount as would be payable if there were but one relict,

and the amount or benefit is payable to those relicts in such proportions as the Board determines having regard to their respective needs and to such other matters as it considers relevant.

(8) In this section a reference "relict" shall be construed as a reference to a relict of a contributor or pensioner who dies on or after the coming into operation of this section.

In paragraph (a) of subsection (2) the term "pensioner" does not include a person who was retired or permitted to retire on the grounds of incapacity and has made an election under section 47.

31A. Relicts' right to substitute pension for entitlement. (1) Subject to this section, a relict entitled to the payment of an amount pursuant to section 31 may elect not to receive that amount or a part of that amount and to receive in lieu a relict's pension on and from the date following the day of his or her spouse's death calculated in accordance with the formula—

(i) in the case of the relict—

of a male contributor for Category B benefits who attained the age for retirement before the passing of the *Superannuation Acts Amendment Act 1984* and who died in service; or

of a male former contributor for Category B benefits who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*,

being a contributor or former contributor who at the time of his retirement or attaining the age for retirement (whichever event first occurred) had completed at least 10 years' service but less than 20 years' service and who immediately before his death was entitled to a pension under section 29 (4) or 30 (4)—

$$P = B \times C \times \frac{D}{20} \times .667,$$

where—

P represents the fortnightly amount of relict's pension;

B represents the fortnightly amount of pension that the contributor would have been receiving or for

which he would have been eligible immediately before his death if he had retired upon attaining the age for retirement and had not made an election under section 47 or, in the case of a former contributor, the fortnightly amount of pension that—

(i) where the former contributor's entitlement to a contributor's pension had ceased or been reduced by reason of an election under section 47, he would have been entitled to receive immediately before his death if he had not made the election; or

(ii) in any other case, the former contributor was receiving or for which he was eligible immediately before his death;

C represents a fraction that is the equivalent of the percentage of the amount of entitlement in respect of which the relict desires to substitute a relict's pension;

D represents the length of service, expressed in years, of the contributor or former contributor as at the time of his attaining the age for retirement or his retirement whichever first occurred.

(ii) in any other case

$$P = B \times C \times .667,$$

where—

P represents the fortnightly amount of relict's pension;

B represents—

(i) in the case of a relict of a contributor, the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death; or

(ii) in the case of a relict of a pensioner, the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 44, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 47, would have been entitled immediately before his or her death

if he or she had not made the election and, where the spouse was an officer who had not retired, as if the spouse had retired.

C represents a fraction that is the equivalent of the percentage of the amount of entitlement in respect of which the relict desires to substitute a relict's pension.

(2) An election under subsection (1)—

shall be in writing;

shall be made within six months after the date on which the entitlement to payment of the amount to the relict arises;

shall specify the percentage of the amount of entitlement in respect of which the elector desires to substitute a relict's pension.

(3) This section does not apply to the relict of—

(a) a person who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;

(b) a female who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A,

unless in the Board's opinion the relict was wholly financially dependent upon the deceased person immediately before his or her death.

(4) For the purposes of subsection (3) a relict shall be taken to be wholly financially dependent notwithstanding that he or she is in receipt of an income that in the Board's opinion is insufficient to maintain for the relict a reasonable standard of living.

(5) A relict's pension ceases to be payable if the relict remarries or marries.

(6) Where a person who as a relict is entitled to a relict's pension remarries or marries and—

(a) again becomes widowed; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is in the Board's opinion likely to suffer hardship if the benefit prescribed by this subsection is not granted to him or her,

that person shall, subject to subsections (5) and (7), be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b), whichever is relevant to the case, as if he or she had not remarried or, as the case may be, married.

(7) A relict who having remarried or married again becomes widowed shall not be entitled to a pension pursuant to subsection

(6) if an amount becomes payable to the relict under section 31 in the event of his or her so becoming widowed unless the relict elects as prescribed to forgo entitlement to that amount and, in the case of a widowed female, to any benefit to which she is entitled pursuant to section 33 of the 1958 Act in the event of her so becoming widowed.

An election under this subsection—

shall be in writing; and

shall be made within six months after the date on which the relict so becomes widowed.

(8) For the purposes of subsection (1) other than for the purpose of construing factor D defined in that subsection, additional service determined by the Board under section 24 (6) shall be disregarded.

(9) Where the contributor or pensioner through whom entitlement to an amount is derived under section 31 is or was a female continuing contributor who had increased the rate of her contribution to the Fund pursuant to section 24A, a relict's pension shall be payable to the relict, where the relict elects as prescribed by subsection (2), at a rate determined by the Actuary and approved by the Board in lieu of the rate prescribed by subsection (1).

31B. Entitlement of relict of person on staff of Agent-General for Queensland. Notwithstanding the provisions of this Act a relict of a person who was employed on the staff of the Agent-General for Queensland and who was liable—

(a) to pay tax under the law of the United Kingdom relating to tax on incomes; or

(b) to contribute for national insurance including graduated pensions under the law of the United Kingdom relating to national insurance,

shall not be entitled to the payment of an amount pursuant to section 31 but shall be entitled to the payment of a relict's pension as if he or she were a relict entitled to the payment of an amount pursuant to that section and had duly elected under section 31A not to receive any part of that amount but to receive a relict's pension in lieu thereof in accordance with section 31A.”.

21. Preservation of existing entitlements. Entitlements that have arisen under the Principal Act shall continue to be governed by the Principal Act as if sections 31, 31A, 31B and 31C of that Act had not been repealed by this Act and, in addition, in the application of section 31B of that Act to any such entitlement, as if the following subsection had been added to section 31B:—

“(6) Where an entitlement to a relict's pension had by reason of the death of a contributor or pensioner has ceased after the commencement of the *Superannuation Acts Amendment Act 1984* and revived as prescribed by section 31, this section does not apply in respect of the entitlement, upon its revival, derived through the same contributor or pensioner.”.

22. Amendment of s. 32. Child's pension: When payable. Section 32 of the Principal Act is amended by, in subsection (2)—

(a) inserting in paragraph (e) after the expression "1984" the words "other than a pensioner retired on account of incapacity who has made an election under section 47,";

(b) re-designating paragraphs (h) and (i) as paragraphs (i) and (j) respectively;

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

"(h) every child of a deceased female pensioner who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the Fund pursuant to section 24A and who when she attained the age for retirement or retired was—

- (i) a contributor for category A benefits; or
- (ii) a contributor for category B benefits and had completed at least 10 years' service,

and who—

being other than a person retired on account of incapacity who has made an election under section 47, retired before the passing of the *Superannuation Acts Amendment Act 1984*; or

retired after the passing of the *Superannuation Acts Amendment Act 1984* and at the date of her death was entitled to or, but for the operation of section 44, would have been entitled to a pension from the Fund,

where in the opinion of the Board the child was wholly dependent on the pensioner when she died;".

23. New s. 40A. The Principal Act is amended by inserting after section 40 the following section:—

"40A. Provision for incapacity entitlement of contributor reduced in salary by redeployment. (1) Where a contributor's salary is reduced as a consequence of action taken by his employer for redeployment of the contributor, which, in the board's opinion, is due to the incapacity of the contributor, then, if the Board so approves and subject to such conditions as the Board in its absolute discretion may determine, the contributor shall be deemed to be in receipt of salary at the rate that would be payable to him had he remained in the position held by him as an officer immediately before his redeployment.

(2) The Board may determine that a contributor, such as is deemed to be in receipt of salary as prescribed by subsection (1), is entitled to payment of incapacity pension at a rate and for a period determined by the Board but not exceeding the rate of incapacity pension to which the contributor would have been entitled had he retired on the ground of incapacity immediately before the date of his redeployment."

24. Repeal of ss. 62A and 62B. Preservation of rights of certain officers; Payment by Board to Police Superannuation Fund. The Principal Act is amended by repealing sections 62A and 62B.

25. Amendment of s. 63. Position of beneficiary who becomes an officer. Section 63 of the Principal Act is amended by—

(a) omitting the note appearing in and at the beginning of the section and substituting the words “Entitlements in respect of beneficiary who becomes an officer.”;

(b) omitting the expression “;” where it occurs at the end of paragraph (b) and substituting the words “; or”;

(c) omitting the words “is not obliged and shall not be permitted to contribute to the Fund” and substituting the following words:—

“(c) being a member of the Legislative Assembly, has ceased to be such a member and has thereby become entitled to any payment on account of any entitlement under the *Parliamentary Contributory Superannuation Act 1970-1984* other than an entitlement under section 17 (2) of that Act, and becomes an officer,

is not obliged and shall not be permitted to contribute to the Fund unless, in a case referred to in paragraph (b) or (c), within a period of three months after becoming an officer he elects, by notice in writing given to the Board, to become a contributor whereupon he shall become and be a contributor in accordance with this Act on and from the date of his becoming an officer but, notwithstanding any other provision of this Act, the amount of his entitlement under this Act or of the entitlement under this Act of any other person arising by reason of his being a contributor shall be reduced by an amount determined by the Actuary, having regard to the amount of the subsidy component of the payment on account of any entitlement or benefit referred to in paragraph (b) or (c).

In this section the expression “subsidy component”, in relation to a payment, means that part of the payment that is not financed by the contributions of the contributor or, in the case of a payment under the *Parliamentary Contributory Superannuation Act 1970-1984*, by the deductions from the salary of the member.”.

26. **New Schedules.** The Principal Act is amended by adding after Schedule II the following Schedules:—

“SCHEDULE III

[s. 31]

Factors for relicts of contributors who die before age 60

Contributor's Age Nearest Birthday at Date of Death	Factor
Up to 25	137
26	141
27	145
28	149
29	153
30	157
31	161
32	164
33	168
34	172
35	176
36	180
37	184
38	188
39	192
40	196
41	200
42	204
43	208
44	211
45	215
46	219
47	223
48	227
49	231
50 to 60	235

SCHEDULE IIIA

[s. 31]

Factors for relicts of contributors who die at age 60 or between ages
60 and 65

Contributor's Age in Years and Completed Months at Date of Death		Factor	Contributor's Age in Years and Completed Months at Date of Death		Factor																																													
Years	Months		Years	Months																																														
60	0	235	62	6	215																																													
	1	234																																																
	2	233																																																
	3	233																																																
	4	232																																																
	5	231																																																
	6	231																																																
	7	230																																																
	8	229																																																
	9	229																																																
	10	228																																																
11	227																																																	
61	0	227	63	0	211																																													
	1	226																																																
	2	225																																																
	3	225																																																
	4	224																																																
	5	224																																																
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	7	222																																																
	8	222																																																
	9	221																																																
	10	220																																																
11	220																																																	
62	0	219	64	0	203																																													
	1	218																																																
	2	218																																																
	3	217																																																
	4	216																																																
	5	216																																																
								1	203																																									
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																												5	200																					
					6																									199																				
																																		7	199															
																																							8	198										
																																												9	197					
																																																	10	197

SCHEDULE IIIB

[s. 31]

Factors for relicts of pensioners

Relict's Age Nearest Birthday at Date of Death of Spouse	Factor
Up to 24	104
25 to 29	122
30 to 34	139
35 to 39	157
40 to 59	174
60 to 64	157
65 to 69	139
70 to 74	122
75 to 79	104
80 to 82	87
83 to 85	74
86 to 88	65
89 to 91	57
92 to 94	48
95 to 97	39
98 to 100	30

PART IV—AMENDMENT OF PUBLIC SERVICE
SUPERANNUATION ACT

27. Citation. (1) In this Part the *Public Service Superannuation Act 1958-1984* 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 1958-1985*.

28. Amendment of s. 4. Meaning of terms. Section 4 of the Principal Act is amended by, in subsection (1), inserting after the definition “Salary” the following definition:—

“the 1972 Act—*The State Service Superannuation Act 1972* and that Act as subsequently amended;”.

29. Repeal of and new Division III of Part IV. Assurance Benefit. The Principal Act is amended by repealing sections 33, 33A, 34, 34A and 34B and the heading immediately preceding section 33 and substituting the following heading and sections:—

“Division III—Assurance Benefit

33. Entitlement to assurance benefit. (1) Every widow to whom this section applies is entitled to the payment of a lump sum by way of assurance benefit.

(2) This section applies to every widow of—

(a) a contributor who dies before attaining the age for retirement;

(b) a person who was in receipt of annuity benefit under this Act immediately before his death, if her marriage to him had occurred before or her connubial relationship with him had subsisted for a continuous period of three years at least immediately preceding—

(i) where he had attained the age for retirement, that age; or

(ii) where he had been, by reason of incapacity, retired from his employment as an officer before he attained the age for retirement or he had retired pursuant to an election referred to in paragraph (iv) of section 29 (2), such retirement;

(c) a person who, having before the passing of the *Superannuation Acts Amendment Act 1984* attained the age for retirement or retired pursuant to an election referred to in paragraph (iv) of section 29 (2), has commuted (pursuant to Division VA of this Part or Division XIV of Part V) for a lump sum the whole of the annuity benefit to which he was entitled under this Act, if her marriage to him had occurred before or her connubial relationship with him had subsisted

for a continuous period of three years at least immediately preceding—

- (i) where he had attained the age for retirement, that age;
- (ii) where he had been, by reason of incapacity, retired from his employment as an officer before he attained the age for retirement or he had retired pursuant to an election referred to in paragraph (iv) of section 29 (2), such retirement;
- (d) a person retired by reason of incapacity from his employment as an officer who at the date of his death was entitled to or, but for the operation of section 45 (4), would have been entitled to an incapacity benefit under this Act and who dies before attaining the age for retirement, if her marriage to him had occurred before or her connubial relationship with him had subsisted for a continuous period of three years at least immediately preceding such retirement.

(3) In this section reference to a widow shall be construed as reference to a widow of a person who dies on or after the coming into operation of this section.

34. Units of assurance benefit. The value of a unit of assurance benefit shall be ascertained—

- (a) where entitlement thereto is derived through a contributor who dies in service before attaining the age of 60 years, in accordance with Schedule IV;
- (b) where entitlement thereto is derived through a contributor who dies in service upon or after attaining the age of 60 years but before attaining the age of 65 years, in accordance with Schedule IVA;
- (c) where entitlement thereto is derived through a person who immediately before his death was entitled to a pension under this Act or who, but for the operation of section 45 (4), or an application under section 39A, would be entitled to a pension under this Act, other than a person who has retired pursuant to an election referred to in paragraph (iv) of section 29 (2), in accordance with the formula—

$$A = B \times \frac{C}{D},$$

where—

- A represents the amount payable in respect of each unit of benefit, expressed in dollars and cents to the nearest cent;
- B represents the factor set forth in Schedule IVB opposite the age of the widow at nearest birthday as at the date of her husband's death;
- C represents the fortnightly amount of the pension to which the person through whom the

entitlement is derived was, immediately before his death, entitled under this Act or, as the case may be, would have been entitled under this Act but for the operation of section 45 (4) or an application under section 39A;

- D represents the fortnightly amount of pension to which the person through whom the entitlement is derived became entitled upon his retirement;
- (d) where entitlement thereto is derived through a person who retired pursuant to an election referred to in paragraph (iv) of section 29 (2), in accordance with the formula—
- (i) where the retirement occurred on or after 30 October 1974 and before 1 April 1978—

$$A = \frac{B \times C \times (1 - 0.06t)}{D},$$

or

- (ii) where the retirement occurred on or after 1 April 1978—

$$A = \frac{B \times C \times (1 - \frac{t}{45})}{D},$$

where—

- A represents the amount payable in respect of each unit of benefit expressed in dollars and cents to the nearest cent;
- B represents the factor set forth in Schedule IVB opposite the age of the widow at nearest birthday as at the date of her husband's death;
- C represents the fortnightly amount of pension to which the person through whom the entitlement is derived was, immediately before his death, entitled under this Act or, as the case may be, would have been entitled under this Act but for an application under section 39A;
- D represents the fortnightly amount of pension to which the person through whom the entitlement is derived became entitled upon his retirement;
- t represents the remainder obtained by subtracting from 65 the age (expressed in years and complete months) as at the date of his retirement of the person through whom the entitlement is derived.

34A. Extent of assurance benefit. (1) Subject to this Act, a widow to whom section 33 applies is entitled to receive assurance benefit according to the number of units for which the person through whom the entitlement is derived was contributing immediately before he ceased to be a contributor.

(2) Where a person who, on or after the passing of the *Superannuation Acts Amendment Act 1984*, attains the age for retirement or retires pursuant to an election referred to in paragraph (iv) of section 29 (2) and has commuted (pursuant to Division VA of this Part of Division XIV of Part V) for a lump sum the whole or a part of the annuity benefit to which he became entitled under this Act, his widow is not entitled to receive assurance benefit in respect of the number of units of assurance benefit equal to the number of units of annuity benefit that have been commuted.

(3) Where a contributor or pensioner dies and is survived by more than one widow, the amount payable under this section is that which would be payable if there were but one widow and the amount is payable to those widows in such proportions as the Board determines having regard to their respective needs and to such other matters as it considers relevant.

34B. Widow's right to substitute pension for assurance benefit.

(1) Subject to this section, a widow to whom section 33 applies may elect not to receive assurance benefit for one or more units of assurance benefit but to receive in lieu thereof a widow's pension.

(2) The rate of widow's pension for each unit of assurance benefit to which the election relates shall be \$2.56 per fortnight except in the following cases:—

- (a) where the value of each unit of assurance benefit to which the widow is entitled is ascertained as prescribed by paragraph (c) of section 34, the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

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

where—

R represents the fortnightly rate of pension for each unit of assurance benefit, expressed in dollars and cents to the nearest cent;

A represents the fortnightly amount of pension to which the person through whom the widow's entitlement is derived was immediately before his death entitled under this Act or would have been entitled under this Act but for the operation of section 45 (4) or an application under section 39A;

B represents the fortnightly amount of pension to which the person through whom the widow's

entitlement is derived became entitled upon his retirement;

(b) where the value of each unit of assurance benefit to which the widow is entitled is ascertained as prescribed by paragraph (d) of section 34, the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

(i) where the retirement of the person through whom the widow's entitlement is derived occurred on or after 30 October 1974 and before 1 April 1978—

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

(ii) where the retirement of the person through whom the widow's entitlement is derived occurred on or after 1 April 1978—

$$R = \frac{2.56 \times A \times (1 - \frac{t}{45})}{B},$$

where—

R represents the fortnightly rate of pension for each unit of assurance benefit, expressed in dollars and cents to the nearest cent;

A represents the fortnightly amount of pension to which the person through whom the widow's entitlement is derived was, immediately before his death, entitled under this Act or would have been entitled under this Act but for an application under section 39A;

B represents the fortnightly amount of pension to which the person through whom the widow's entitlement is derived became entitled upon his retirement;

t represents the remainder obtained by subtracting from 65 the age (expressed in years and complete months) as at the date of his retirement of the person through whom the widow's entitlement is derived.

(3) An election under subsection (1)—

shall be in writing;

shall be made within six months after the date on which the entitlement to the assurance benefit arises; and

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

(4) A widow's pension under this Act ceases to be payable under this Act if she remarries or marries.

(5) Where a person entitled to a widow's pension under this Act remarries or marries and—

(a) again becomes widowed; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is in the Board's opinion likely to suffer hardship if the benefit prescribed by this subsection is not granted to her,

that person shall, subject to subsections (4) and (6), be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b) whichever is relevant to the case, as if she had not remarried or, as the case may be, married.

(6) A widow who having remarried or married again becomes widowed shall not be entitled to a pension pursuant to subsection (5) if an amount becomes payable to the widow under section 33 of this Act or under section 31 of the 1972 Act in the event of her so becoming widowed unless she elects as prescribed to forgo entitlement to that amount to which she is entitled under either of those sections or under both of those sections if she is entitled under both sections.

An election under this subsection—

shall be in writing; and

shall be made within six months after the date on which the widow so becomes widowed

34C. Entitlement of widow of person on staff of Agent-General for Queensland. Notwithstanding the provisions of this Act a widow of a person who was employed on the staff of the Agent-General for Queensland and who was liable—

(a) to pay tax under the law of the United Kingdom relating to the tax on incomes; or

(b) to contribute for national insurance including graduated pensions under the law of the United Kingdom relating to national insurance,

shall not be entitled to the payment of an amount pursuant to section 33 but shall be entitled to the payment of a widow's pension as if she were a widow entitled to the payment of an amount pursuant to that section and had duly elected under section 34B not to receive any part of that amount but to receive a widow's pension in lieu thereof in accordance with section 34B.”.

30. Preservation of existing entitlements. Entitlements that have arisen under the Principal Act shall continue to be governed by the Principal Act as if sections 33, 33A, 34, 34A and 34B of that Act had not been repealed by this Act and, in addition, in the application of section 34B

of that Act to any such entitlement, as if the following subsection had been added to section 34B:—

“(6) Where an entitlement to a widow’s assurance benefit had by reason of the death of a contributor or pensioner has ceased after the commencement of the *Superannuation Acts Amendment Act 1984* and revived as prescribed by section 33, this section does not apply in respect of the entitlement, upon its revival, derived through the same contributor or pensioner.”.

31. Amendment of s. 77A. Entitlement to superannuation benefits on voluntary resignation. Section 77A is amended by omitting subsections (1) to (3) inclusive and substituting the following subsections:—

“(1) Subject to this section—

(a) a contributor

who voluntarily resigns from his employment as an officer after he has attained the age of 60 years and before he has attained the age for retirement; and

who has duly elected as prescribed by subsection (9),

is upon his resignation entitled to be paid from the Fund annuity benefit in respect of each unit thereof for which he was contributing as at the date of his resignation at a rate per annum determined by the Actuary and approved by the Board:

(b) where a person entitled to be paid annuity benefit pursuant to paragraph (a) dies leaving a widow whose marriage to him had occurred before or whose connubial relationship with him had commenced before his resignation upon which the annuity benefit became payable under paragraph (a), the widow is entitled to be paid from the Fund assurance benefit in respect of each unit thereof for which that person was contributing as at the date of his resignation as determined by the Actuary and approved by the Board.

(2) A widow entitled to assurance benefit under paragraph (b) of subsection (1) may elect not to receive assurance benefit for one or more units thereof but to receive in lieu thereof a widow’s pension at a rate per fortnight determined by the Actuary and approved by the Board.

An election under this subsection—

shall be in writing;

shall be made within six months after the date on which the entitlement to assurance benefit arises; and

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

(3) In respect of each child who in relation to a contributor referred to in paragraph (a) of subsection (1) is a child to whom section 35 applies the amount of additional assurance benefit shall be at a rate per fortnight determined by the Actuary and approved by the Board in lieu of the amount prescribed by section 36 (1).

32. **New Schedules.** The Principal Act is amended by adding after Schedule III the following Schedules:—

“SCHEDULE IV

[s. 34]

Value per unit of assurance for widows of contributors who die before age 60

Contributor's Age Nearest Birthday at Date of Death	Value
	\$
Up to 25	468
26	481
27	494
28	508
29	521
30	534
31	548
32	561
33	574
34	588
35	601
36	614
37	628
38	641
39	655
40	668
41	681
42	695
43	708
44	721
45	735
46	748
47	755
48	763
49	770
50 to 60	777

SCHEDULE IVA

[s. 34]

Value per unit of assurance for widows of contributors who die at
age 60 or between ages 60 and 65

Contributor's Age in Years and Completed Months at Date of Death		Value	Contributor's Age in Years and Completed Months at Date of Death		Value
Years	Months		Years	Months	
		\$			\$
60	0	777	63	0	773
	1	777		1	773
	2	777		2	773
	3	777		3	772
	4	777		4	772
	5	777		5	772
	6	777		6	772
	7	777		7	771
	8	777		8	771
	9	777		9	771
	10	777		10	771
	11	777		11	770
61	0	777	64	0	770
	1	777		1	770
	2	777		2	770
	3	777		3	770
	4	777		4	769
	5	777		5	769
	6	777		6	769
	7	777		7	769
	8	776		8	769
	9	776		9	768
	10	776		10	768
	11	776		11	768
62	0	776			
	1	776			
	2	776			
	3	775			
	4	775			
	5	775			
	6	775			
	7	774			
	8	774			
	9	774			
	10	774			
	11	773			

SCHEDULE IVB

[s. 34]

Factors for widows of pensioners

Widow's Age Nearest Birthday at Date of Death of Pensioner	Factor
Up to 24	401
25 to 29	468
30 to 34	534
35 to 39	601
40 to 59	668
60 to 64	601
65 to 69	534
70 to 74	468
75 to 79	401
80 to 82	334
83 to 85	284
86 to 88	250
89 to 91	217
92 to 94	184
95 to 97	150
98 to 100	117

”.

PART V—AMENDMENT OF POLICE SUPERANNUATION ACT
1974-1984

33. Citation. (1) In this Part the *Police Superannuation Act 1974-1984* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Police Superannuation Act 1974-1985*.

34. Amendment of s. 4. Interpretation of terms. Section 4 of the Principal Act is amended by, in the definition “age for retirement”—

(a) re-designating paragraph (b) as paragraph (c) and in that paragraph, omitting the words “member (other than the Commissioner)” and substituting the words “other member”;

(b) inserting after paragraph (a) and before the word “and” following that paragraph the following paragraph:—

“(b) in the case of the Deputy Commissioner of Police, the age of sixty-two years;”.

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

(a) omitting all words from the expression “(a)” to the words “amount to 40 years,” inclusive and substituting the following words:—

“(a) in the case of the Commissioner of Police, amount to 45 years;

(b) in the case of the Deputy Commissioner of Police, amount to 42 years;

or

(c) in the case of any other member, amount to 40 years.”;

(b) omitting all words from the existing expression “(c)” to the words “a maximum of 40 years,” inclusive and substituting the following words:—

“(d) in the case of the Commissioner of Police, a maximum of 45 years;

(e) in the case of the Deputy Commissioner of Police, a maximum of 42 years;

or

(f) in the case of any other member, a maximum of 40 years.”.

36. Amendment of s. 25. Further provisions re contributions. Section 25 of the Principal Act is amended by—

(a) in subsection (4),

(i) omitting the word “and” where it occurs between paragraph (b) and paragraph (c);

(ii) re-designating paragraph (c) as paragraph (d);

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

“(c) in the case of a contributor whose age for retirement is sixty-two years—

(i) who has not attained the age of twenty years at the time when contribution is payable—two per centum;

(ii) who has attained the age of twenty years but has not attained the age of twenty-five years at the said time—6.75 per centum;

(iii) who has attained the age of twenty-five years but has not attained the age of thirty-five years at the said time—7.25 per centum;

and

(iv) who has attained the age of thirty-five years at the said time—7.75 per centum; and”;

(b) re-designating subsections (6) and (7) as subsections (7) and (8) respectively;

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

“(6) where a contributor whose age for retirement is sixty years becomes a contributor whose age for retirement is sixty-two years paragraph (c) of subsection (4) shall thereupon apply in relation to him and any other provision of that subsection previously applicable in relation to the contributor shall thereupon cease to so apply.”.

37. Amendment of s. 26. Calculation of service. Section 37 of the Principal Act is amended by, in paragraph (b)—

(a) re-designating subparagraph (ii) as subparagraph (iii);

(b) inserting after subparagraph (i) the following subparagraph:—

“(ii) in the case of a contributor whose age for retirement is sixty-two years, exceeds forty-two years the contributor’s length of service shall be deemed to be forty-two years.”.

38. Amendment of s. 27. Rights of contributor. Section 27 of the Principal Act is amended by—

(a) in subsection (2), omitting the definition “B” and substituting the following definition:—

“B represents the contributor’s length of service (expressed in years) as at the time of his attaining the age for retirement or of his retirement from service, whichever first occurs, or, in the case of a contributor who becomes entitled to an incapacity pension, the length of service that he would have had if he had continued in service until he attained the age for retirement.”;

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

“(2a) Where a contributor to whom subsection (1) relates was, immediately before ceasing to be a contributor and becoming entitled to a pension under that subsection, a contributor whose age for retirement was sixty-two years, the pension to be paid to him is a fortnightly sum calculated in accordance with the formula—

$$P = \frac{K}{100} \times \frac{A}{56} \times B$$

where—

P represents the fortnightly amount of the pension;

K represents 85 + 3 (age at retirement in years and complete months – 55) with a maximum value of 100;

A represents the final average salary of the contributor; and

B represents the contributor's length of service (expressed in years) as at the time of his attaining the age for retirement or of his retirement from service, whichever first occurs, or, in the case of a contributor who becomes entitled to an incapacity pension, the length of service that he would have had if he continued in service until he attained the age for retirement.”;

(c) re-designating subsection (6AA) as subsection (6AC);

(d) inserting after subsection (6A) the following subsection:—

“(6AB) A member whose age for retirement is 62 years who—

(a) became a contributor after the commencement of the *Police Superannuation Acts Amendment Act 1979*;

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

(c) elects to retire in accordance with subsection 1 (c),
is entitled to a pension in respect of the additional service determined under section 24 (6), calculated in accordance with the formula—

$$P = A \left(\frac{K}{100} \times \frac{N}{56} \times \frac{M - C}{62 - C} \right),$$

where—

P represents the fortnightly amount of the pension;

A represents the final average salary of the contributor;

K represents 85 + 3 (age at retirement in years and complete months—55) with a maximum value of 100;

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; and

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

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

(d) in subsection (8), inserting after the words “whose age for retirement is”, where they twice occur, the words “sixty-two years or”.

39. Amendment of s. 28. Rights of continuing contributors. Section 28 of the Principal Act is amended by—

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

“(2A) Where a contributor to whom subsection (1) relates was, immediately before ceasing to be a contributor and becoming

entitled to a pension under that subsection, a contributor whose age for retirement was sixty-two years, the pension to be paid to him is a fortnightly sum calculated in accordance with the formula—

$$P = \frac{K}{100} \times \frac{A}{56} \times B,$$

where—

- P represents the fortnightly amount of the pension;
- K represents 85 + 3 (age at retirement in years and complete months—55) with a maximum value of 100;
- A represents the final average increase in salary of the contributor; and
- B represents the contributor's length of service (expressed in years) as at the time of his attaining the age for retirement or of his retirement from service, whichever first occurs, or, in the case of a contributor who becomes entitled to an incapacity pension, the length of service that he would have had if he had continued in service until he attained the age for retirement.”;

(b) in subsection (7), inserting after the words “whose age for retirement is”, where they twice occur, the words “sixty-two years or”.

40. Repeal of and new Division II of Part IV. The Principal Act is amended by repealing sections 29, 29A and 29B and the heading immediately preceding section 29 and substituting the following heading and sections:—

“Division II—Relict’s Benefits

29. Entitlement to benefit. (1) Subject to subsections (3) and (4), a relict of—

- (a) a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A; or
- (c) a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*,

is entitled to the payment of an amount calculated—

- (i) where the contributor, being one whose age for retirement is 60 years, had not attained the age of 55 years or, being one whose age for retirement is 62 years, had not attained the age of 57 years or,

being one whose age for retirement is 65 years, had not attained the age of 60 years, in accordance with the formula—

$$A = B \times C \times \frac{(D - 5)}{D},$$

where—

A represents the amount payable;

B represents the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death;

C represents—

(i) in the case of a contributor whose age for retirement is 60 years, the factor set forth in Schedule IV;

(ii) in the case of a contributor whose age for retirement is 62 years, the factor set forth in Schedule IVA;

(iii) in the case of a contributor whose age for retirement is 65 years, the factor set forth in Schedule IVB;

being in each case the factor opposite the age in years of the contributor as at the date of his or her death;

D represents the length of service of the contributor, expressed in years, ascertained as prescribed by section 26 as if he or she had retired and become eligible for an incapacity pension immediately before his or her death; or

(ii) where the contributor, being one whose age for retirement is 60 years, had attained the age of 55 years or, being one whose age for retirement is 62 years, had attained the age of 57 years or, being one whose age for retirement is 65 years, had attained the age of 60 years, in accordance with the formula—

$$A = B \times C \times \frac{(D - E)}{D},$$

where—

A represents the amount payable;

B represents the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for

an incapacity pension immediately before his or her death;

C represents—

- (i) in the case of a contributor whose age for retirement is 60 years, the factor set forth in Schedule IVC;
- (ii) in the case of a contributor whose age for retirement is 62 years, the factor set forth in Schedule IVD;
- or
- (iii) in the case of a contributor whose age for retirement is 65 years, the factor set forth in Schedule IVE,

being in each case the factor opposite the age in years and complete months of the contributor as at the date of his or her death;

D represents the length of service of the contributor, expressed in years, ascertained as prescribed by section 26, as if he or she had retired and become eligible for an incapacity pension immediately before his or her death;

E represents the difference between the contributor's age in years and complete months as at the date of his or her death and the age for retirement of that contributor.

(2) Subject to subsection (4), a relict of—

- (a) a male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) a male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled or, but for the operation of section 42, would have been entitled to a pension from the Fund; or
- (c) a female pensioner who—
 - became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;
 - or
 - became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the Fund pursuant to section 24A,

and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her

death was entitled or, but for the operation of section 42, would have been entitled to a pension from the Fund,

is entitled to the payment of an amount calculated in accordance with the formula—

$$A = B \times C,$$

where—

A represents the amount payable;

B represents the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 42, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 45, would have been entitled immediately before his death if he had not made the election and where the spouse was a member who had not retired as if the spouse had retired;

C represents the factor set forth in Schedule IVF opposite the age at nearest birthday of the relict as at the date of the spouse's death.

(3) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a male continuing contributor immediately before he finally ceased to contribute to the Fund the entitlement to an amount under this section is in addition to the benefits (if any) derived through the contributor or pensioner under the 1968 Act.

(4) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a female continuing contributor who had increased the rate of her contribution to the Fund pursuant to section 24A an amount shall be payable to the relict entitled to an amount under this section (other than this subsection) determined by the Actuary and approved by the Board in lieu of the amount prescribed by subsection (1) or (2).

(5) In this section a reference "relict" shall be construed as a reference to a relict of a contributor or pensioner who dies on or after the coming into operation of this section.

In paragraph (a) of subsection (2) the term "pensioner" does not include a person who was retired or permitted to retire on the ground of incapacity and has made an election under section 45.

29A. Relicts' right to substitute pension for entitlement. (1) Subject to this section, a relict entitled to the payment of an amount pursuant to section 29 may elect not to receive that amount or a part of that amount and to receive in lieu a relict's

pension on and from the date following the day of his or her spouse's death calculated in accordance with the formula—

$$P = B \times C \times .667,$$

where—

P represents the fortnightly amount of relict's pension;

B represents—

(i) in the case of a relict of a contributor, the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death;

or

(ii) in the case of a relict of a pensioner, the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 42, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 45, would have been entitled immediately before his death if he had not made the election and, where the spouse was a member who had not retired, as if the spouse had retired;

C represents a fraction that is the equivalent of the percentage of the amount of entitlement in respect of which the relict desires to substitute a relict's pension.

(2) An election under subsection (1)—

shall be in writing;

shall be made within six months after the date on which the entitlement to payment of the amount to the relict arises; and

shall specify the percentage of the amount of entitlement in respect of which the applicant desires to substitute a relict's pension.

(3) This section does not apply to the relict of—

(a) a person who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;

(b) a female who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and

had increased the rate of her contribution to the Fund pursuant to section 24A,

unless in the Board's opinion the relict was wholly financially dependent upon the deceased person immediately before his or her death.

(4) For the purposes of subsection (3) a relict shall be taken to be wholly financially dependent notwithstanding that he or she is in receipt of an income that in the Board's opinion is insufficient to maintain for the relict a reasonable standard of living.

(5) A relict's pension ceases to be payable if the relict remarries.

(6) Where a person who as a relict is entitled to a relict's pension remarries and—

(a) again becomes widowed; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is in the Board's opinion likely to suffer hardship if the benefit prescribed by this subsection is not granted to him or her,

that person shall, subject to subsection (5), be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b), whichever is relevant to the case, as if he or she had not remarried.

(7) A relict who having remarried again becomes widowed shall not be entitled to a pension pursuant to subsection (6) if an amount becomes payable to the relict under section 29 in the event of his or her so becoming widowed unless the relict elects as prescribed to forgo entitlement to that amount and, in the case of a widowed female, to any benefit to which she is entitled pursuant to section 41 of the 1968 Act in the event of her so becoming widowed.

An election under this subsection—

shall be in writing; and

shall be made within six months after the date on which the relict so becomes widowed.

(8) Where the contributor or pensioner through whom entitlement to an amount is derived under section 29 is or was a female continuing contributor who had increased the rate of her contribution to the Fund pursuant to section 24A, a relict's pension shall be payable to the relict where the relict elects as prescribed by subsection (2) at a rate determined by the Actuary and approved by the Board in lieu of the rate prescribed by subsection (1).”.

41. Preservation of existing entitlements. Entitlements that have arisen under the Principal Act shall continue to be governed by the

Principal Act as if sections 29, 29A and 29B of that Act had not been repealed by this Act and, in addition, in the application of section 29A of that Act to any such entitlement, as if the following subsection had been added to section 29A:—

“(5) Where an entitlement to a relict’s pension had by reason of the death of a contributor or pensioner has ceased after the commencement of the *Superannuation Acts Amendment Act 1984* and revived as prescribed by section 29, this section does not apply in respect of the entitlement, upon its revival, derived through the same contributor or pensioner.”.

42. Amendment of s. 30. Child’s pension: When payable. Section 30 of the Principal Act is amended by, in subsection (2)—

(a) Adding at the end of paragraph (e) the words “other than a person retired on account of incapacity who has made an election under section 45”;

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

“(ga) every child of a deceased female pensioner who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the Fund pursuant to section 24A and who—
being other than a person retired on account of incapacity who has made an election under section 45, retired before the passing of the *Superannuation Acts Amendment Act 1984*; or
retired after the passing of the *Superannuation Acts Amendment Act 1984* and at the date of her death was entitled to or, but for the operation of section 42, would have been entitled to a pension from the Fund,
where in the opinion of the Board the child was wholly dependent on the pensioner when she died.”.

43. Amendment of s. 33. Refund of contributions. Section 33 of the Principal Act is amended by, in subsection (1), omitting paragraph (a) and substituting the following paragraph:—

“(a) his resignation before attaining the age of—

55 years, in the case of a contributor whose age for retirement is 60 years;

57 years, in the case of a contributor whose age for retirement is 62 years; or

60 years, in the case of a contributor whose age for retirement is 65 years;”.

44. Amendment of s. 45. Right of contributor to convert his pension into a lump sum. Section 45 of the Principal Act is amended by—

(a) in subsection (5),

(i) inserting after the words "other than a contributor whose age for retirement is", where they twice occur in paragraph (a), the words "sixty-two years or";

(ii) inserting before the words "age in years and complete months", where they twice occur in paragraph (a), the word "contributor's";

(iii) re-designating subparagraph (iii) as subparagraph (iv);

(iv) inserting after subparagraph (ii) the following subparagraph:—

"(iii) in the case of a contributor whose age for retirement is sixty-two years, a sum equal to that specified percentage of the amount of his fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Schedule IIA opposite the contributor's age in years and complete months as at the date of retirement set forth in the first column of that Schedule."

(b) in subsection (6),

(i) inserting after the words "other than a contributor whose age for retirement is", where they twice occur in paragraph (a), the words "sixty-two years or";

(ii) inserting before the words "age in years and complete months", where they twice occur in paragraph (a), the word "contributor's";

(iii) re-designating subparagraph (iii) as subparagraph (iv);

(iv) inserting after subparagraph (ii) the following subparagraph:—

"(iii) in the case of a contributor whose age for retirement is sixty-two years, a sum equal to that specified percentage of the amount of his fortnightly pension entitlement under this Act multiplied by the factor set forth in the second column of Schedule IIA opposite the contributor's age in years and complete months as at the date of retirement set forth in the first column of that Schedule."

45. Repeal of ss. 58A and 58B. Preservation of rights of certain members; Payment by Board to State Service Superannuation Additional Benefits Fund. The Principal Act is amended by repealing sections 58A and 58B.

46. Amendment of s. 59. Position of beneficiary who becomes a member. Section 59 of the Principal Act is amended by—

(a) omitting the note appearing in and at the beginning of the section and substituting the words "Entitlements in respect of beneficiary who becomes a member.";

(b) omitting the expression "," where it occurs at the end of paragraph (b) and substituting the words " or";

(c) omitting the words "is not obliged and shall not be permitted to contribute to the Fund" and substituting the following words:—

"(c) being a member of the Legislative Assembly, has ceased to be such a member and has thereby become

entitled to any payment on account of any entitlement under the *Parliamentary Contributory Superannuation Act 1970-1984* other than an entitlement under section 17 (2) of that Act, and becomes a member,

is not obliged and shall not be permitted to contribute to the Fund unless, in a case referred to in paragraph (b) or (c), within a period of three months after becoming a member, he elects, by notice in writing given to the Board, to become a contributor whereupon he shall become and be a contributor in accordance with this Act on and from the date of his becoming a member but, notwithstanding any other provision of this Act, the amount of his entitlement under this Act or of the entitlement under this Act of any other person arising by reason of his being a contributor shall be reduced by an amount determined by the Actuary, having regard to the amount of the subsidy component of the payment on account of any entitlement or benefit referred to in paragraph (b) or (c).

In this section the expression "subsidy component", in relation to a payment, means that part of the payment that is not financed by the contribution of the contributor or, in the case of a payment under the *Parliamentary Contributory Superannuation Act 1970-1984*, by the deductions from the salary of the member."

47. New Schedule IIA. The Principal Act is amended by inserting after Schedule II the following schedule:—

“SCHEDULE IIA

[s. 45]

COMMUTATION FACTORS

Age in Years and Complete Months at Date of Retirement		Commuta- tion Factor	Age in Years and Complete Months at Date of Retirement		Commuta- tion Factor
Years	Months		Years	Months	
57	0	344	60	0	313
	1	344		1	312
	2	343		2	311
	3	342		3	310
	4	341		4	310
	5	340		5	309
	6	339		6	308
	7	338		7	307
	8	337		8	306
	9	337		9	305
	10	336		10	304
58	11	335	61	11	304
	0	334		0	303
	1	333		1	302
	2	332		2	301
	3	331		3	300
	4	330		4	299
	5	330		5	298
	6	329		6	297
	7	328		7	297
	8	327		8	296
	9	326		9	295
59	10	325	62	10	294
	11	324		11	293
	0	324		0	292
	1	323			
	2	322			
	3	321			
	4	320			
	5	319			
	6	318			
	7	317			
	8	317			
9	316				
10	315				
11	314				

”.

48. **New schedules.** The Principal Act is amended by adding after Schedule III the following schedules:—

“SCHEDULE IV

[s. 29]

Factors for relicts of contributors whose age for retirement is 60 years and who die before age 55

Contributor's Age Nearest Birthday at Date of Death	Factor
Up to 25	139
26	143
27	147
28	151
29	155
30	159
31	163
32	167
33	171
34	175
35	179
36	183
37	187
38	191
39	195
40	199
41	203
42	207
43	211
44	215
45	219
46	222
47	224
48	227
49	230
50 to 55	233

SCHEDULE IVA

[s. 29]

Factors for relicts of contributors whose age for retirement is 62 years
and who die before age 57

Contributor's Age Nearest Birthday at Date of Death	Factor
Up to 25	138
26	142
27	146
28	150
29	154
30	158
31	162
32	166
33	170
34	174
35	178
36	182
37	186
38	190
39	194
40	198
41	201
42	205
43	209
44	213
45	217
46	221
47	225
48	227
49	229
50	231
51	233
52 to 57	235

SCHEDULE IVB

[s. 29]

Factors for relicts of contributors whose age for retirement is 65 years
and who die before age 60

Contributor's Age Nearest Birthday at Date of Death	Factor
Up to 25	137
26	141
27	145
28	149
29	153
30	157
31	161
32	164
33	168
34	172
35	176
36	180
37	184
38	188
39	192
40	196
41	200
42	204
43	208
44	211
45	215
46	219
47	223
48	227
49	231
50 to 60	235

SCHEDULE IVC

[s. 29]

Factors for relicts of contributors whose age for retirement is 60 years
and who die at age 55 or between ages 55 and 60

Contributor's Age in Years and Complete Months at Date of Death		Factor	Contributor's Age in Years and Complete Months at Date of Death		Factor
Years	Months		Years	Months	
55	0	233	58	0	235
	1	233		1	235
	2	233		2	235
	3	233		3	235
	4	233		4	235
	5	233		5	235
	6	233		6	235
	7	234		7	235
	8	234		8	235
	9	234		9	235
	10	234		10	235
56	11	234	59	11	235
	0	234		0	235
	1	234		1	235
	2	234		2	235
	3	234		3	235
	4	234		4	235
	5	235		5	235
	6	235		6	235
	7	235		7	235
	8	235		8	235
	9	235		9	235
57	10	235		10	235
	11	235		11	235
	0	235			
	1	235			
	2	235			
	3	235			
	4	235			
	5	235			
	6	235			
	7	235			
	8	235			
9	235				
10	235				
11	235				

SCHEDULE IVD

[s. 29]

Factors for relicts of contributors whose age for retirement is 62 years
and who die at age 57 or between ages 57 and 62

Contributor's Age in Years and Complete Months at Date of Death		Factor	Contributor's Age in Years and Complete Months at Date of Death		Factor
Years	Months		Years	Months	
57	0	235	60	0	234
	1	235		1	234
	2	235		2	233
	3	235		3	233
	4	235		4	232
	5	235		5	231
	6	235		6	231
	7	235		7	230
	8	235		8	229
	9	235		9	229
	10	235		10	228
58	11	235	61	11	227
	0	235		0	227
	1	235		1	226
	2	235		2	225
	3	235		3	225
	4	235		4	224
	5	235		5	223
	6	235		6	223
	7	235		7	222
	8	235		8	221
	9	235		9	221
59	10	235		10	220
	11	235		11	219
	0	235			
	1	235			
	2	235			
	3	235			
	4	235			
	5	235			
	6	235			
	7	235			
	8	235			
9	235				
10	235				
11	235				

SCHEDULE IVE

[s. 29]

Factors for relicts of contributors whose age for retirement is 65 years
and who die at age 60 or between ages 60 and 65

Contributor's Age in Years and Complete Months at Date of Death		Factor	Contributor's Age in Years and Complete Months at Date of Death		Factor	
Years	Months		Years	Months		
60	0	235	62	6	215	
	1	234		7	214	
	2	233		8	214	
	3	233		9	213	
	4	232		10	212	
	5	231		11	212	
	6	231		63	0	211
	7	230			1	210
	8	229			2	210
	9	229			3	209
	10	228			4	208
61	11	227	5	208		
	0	227	6	207		
	1	226	7	207		
	2	225	8	206		
	3	225	9	205		
	4	224	10	205		
	5	224	11	204		
	6	223	64	0	203	
	7	222		1	203	
	8	222		2	202	
	9	221		3	201	
10	220	4		201		
62	11	220	5	200		
	0	219	6	199		
	1	218	7	199		
	2	218	8	198		
	3	217	9	197		
4	216	10	197			
5	216	11	196			

SCHEDULE IVF

[s. 29]

Factors for relicts of pensioners

Relict's Age Nearest Birthday at Date of Death of Pensioner	Factor
Up to 24	104
25 to 29	122
30 to 34	139
35 to 39	157
40 to 59	174
60 to 64	157
65 to 69	139
70 to 74	122
75 to 79	104
80 to 82	87
83 to 85	74
86 to 88	65
89 to 91	57
92 to 94	48
95 to 97	39
98 to 100	30

49. Amendment of Schedule II. Commutation factors. Schedule II to the Principal Act is amended by—

(a) in the heading “PART I—COMMUTATION FACTORS FOR MALES”, omitting the words “FOR MALES”;

(b) in the heading “PART II—COMMUTATION FACTORS FOR FEMALES”, omitting the words “FOR FEMALES”.

PART VI—AMENDMENT OF POLICE SUPERANNUATION ACT
1968-1984

50. Citation. (1) In this Part the *Police Superannuation Act 1968-1984* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Police Superannuation Act 1968-1985*.

51. Amendment of s. 4. Meaning of terms. Section 4 of the Principal Act is amended by, in subsection (1)—

(a) in the definition “age for retirement”,

(i) re-designating paragraph (b) as paragraph (c);

(ii) inserting after paragraph (a) and before the word “and” following that paragraph the following paragraph:—

“(b) in the case of the Deputy Commissioner of Police, the age of sixty-two years;”;

(b) omitting the expression “.” at the end of the definition “salary” and substituting the expression “;”;

(c) adding at the end of the subsection the following definition:—

“the 1974 Act”—the *Police Superannuation Act 1974* and that Act as subsequently amended.”.

52. Repeal of and new s. 25. Contributions by members of Police Force who retire at sixty-five years of age. The Principal Act is amended by repealing section 25 and substituting the following section:—

“25. Contributions by Members of Police Force whose age for retirement is 62 or 65 years. (1) This section applies to every member of the Police Force whose age for retirement is sixty-two or sixty-five years of age.

(2) Every member of the Police Force who was a contributor immediately before the time when he became a member to whom this section applies shall continue to contribute to the Fund until he attains the age of sixty years the sum that he was contributing thereto immediately before that time and the contribution shall be in respect of the number of units of benefits for which he was so contributing and shall continue to be based upon an age for retirement of sixty years.

(3) A member of the Police Force to whom this section applies shall not be entitled upon attaining the age of sixty years to payment of annuity benefit in respect of the units of such benefit for which he has continued to make contribution based upon an age for retirement of sixty years as required by subsection (2) but, subject to subsection (4), he shall, upon attaining the age that is his age for retirement, be entitled to receive annuity benefit in respect of those units as if he had been contributing for those units upon his attaining his age for retirement.

(4) The amount of annuity benefit payable in respect of the units to which subsection (3) applies—

- (a) shall be calculated having regard to the fact that contribution to the Fund in respect of those units of annuity benefit ceased to be derived from the contributor upon the contributor attaining the age of sixty years; and
- (b) shall be increased by an amount ascertained by multiplying the portion of the annuity benefit corresponding to the contributions made by the contributor by a percentage determined by the actuary appointed pursuant to this Act and approved by the Board as being attributable to the increase in value of the contributions to the Fund in respect of those units of annuity benefit derived from the contributor by reason that payment of the annuity benefit has been postponed until the contributor attained his age for retirement.

(5) Upon attaining the age of sixty years, a member of the Police Force required by subsection (2) to continue to contribute to the Fund shall thereafter, until he attains his age for retirement, continue to contribute to the Fund for units of incapacity benefit to the number for which he was contributing immediately before attaining the age of sixty years and shall contribute such sum as will, at rates of contribution determined by the actuary appointed pursuant to this Act upon the basis of that member's age for retirement and approved by the Board, provide those units of incapacity benefit.”.

53. Amendment of s. 38. Units of annuity benefit. Section 38 of the Principal Act is amended by inserting after subsection (3A) the following subsection:—

“(3B) Where a Deputy Commissioner of Police makes an election as is mentioned in paragraph (iv) of section 37 (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 fortnight ascertained in accordance with the formula—

$$R = \frac{K}{100} \left(1 - \frac{t}{42} \right) 3.84,$$

where

- R represents the fortnightly rate expressed in dollars to the nearest cent of each unit of benefit;
- K represents 85 + 3 (age at retirement in years and complete months - 55) with a maximum value of 100;
- t represents the remainder obtained by subtracting from 62 the contributor's age as at the time of his retirement (expressed in years and complete months).”.

54. Repeal of and new Div. III of Part IV. Assurance Benefit. The Principal Act is amended by repealing sections 41, 42, 42A and 42B and the heading immediately preceding section 41 and substituting the following heading and sections:—

“Division III—Assurance Benefit

41. Entitlement to assurance benefit. (1) Every widow to whom this section applies is entitled to the payment of a lump sum by way of assurance benefit.

(2) This section applies to every widow of—

- (a) a contributor who dies before attaining the age for retirement;
- (b) a person who was in receipt of annuity benefit under this Act immediately before his death, if her marriage to him had occurred before—
 - (i) where he had attained the age for retirement, that age; or
 - (ii) where he had been, by reason of incapacity, retired from his employment as a member before he attained the age for retirement or he had retired pursuant to an election referred to in paragraph (iv) of section 37 (2), such retirement;
- (c) a person who, having before the passing of the *Superannuation Acts Amendment Act 1984* attained the age for retirement or retired pursuant to an election referred to in paragraph (iv) of section 37 (2), has commuted (pursuant to Division VA, of this Part or Division IIIA of Part V) for a lump sum the whole of the annuity benefit to which he was entitled under this Act, if her marriage to him had occurred before—
 - (i) where he had attained the age for retirement, that age; or
 - (ii) where he had been, by reason of incapacity, retired from his employment as a member before he attained the age for retirement or he had retired pursuant to an election referred to in paragraph (iv) of section 37 (2), such retirement;
- (d) a person retired by reason of incapacity from his employment as a member who at the date of his death was entitled to or, but for the operation of section 53 (4), would have been entitled to an incapacity benefit under this Act and who dies before attaining the age for retirement, if her marriage to him had occurred before such retirement.

(3) In this section reference to a widow shall be construed as a reference to a widow of a person who dies on or after the the coming into operation of this section.

42. **Units of assurance benefit.** (1) Subject to subsection (2), the value of a unit of assurance benefit shall be—

(a) where—

- (i) entitlement thereto is derived through a contributor whose age for retirement is 60 years and who dies in service before attaining the age of 55 years, in accordance with Schedule IV;
- (ii) entitlement thereto is derived through a contributor whose age for retirement is 62 years and who dies in service before attaining the age of 57 years, in accordance with Schedule IVA;
- (iii) entitlement thereto is derived through a contributor whose age for retirement is 65 years and who dies in service before attaining the age of 60 years, in accordance with Schedule IVB;

(b) where—

- (i) entitlement thereto is derived through a contributor whose age for retirement is 60 years and who dies in service upon attaining the age of 55 years or after attaining that age but before attaining the age of 60 years, in accordance with Schedule IVC;
- (ii) entitlement thereto is derived through a contributor whose age for retirement is 62 years and who dies in service upon attaining the age of 57 years or after attaining that age but before attaining the age of 62 years, in accordance with Schedule IVD;
- (iii) entitlement thereto is derived through a contributor whose age for retirement is 65 years and who dies in service upon attaining the age of 60 years or after attaining that age but before attaining the age of 65 years, in accordance with Schedule IVE;

- (c) where entitlement thereto is derived through a person who immediately before his death was entitled to a pension under this Act or who, but for the operation of section 53 (4) or an application under section 47A, would be entitled to a pension under this Act, other than a person who has retired pursuant to an election referred to in paragraph (iv) of section 37 (2), in accordance with the formula—

$$A = B \times \frac{C}{D},$$

where—

- A represents the amount payable in respect of each unit of benefit, expressed in dollars and cents to the nearest cent;
- B represents the factor set forth in Schedule IVF opposite the age of the widow at nearest birthday as at the date of her husband's death;
- C represents the fortnightly amount of the pension to which the person through whom the

entitlement is derived was, immediately before his death, entitled under this Act or, as the case may be, would have been entitled under this Act but for the operation of section 53 (4) or an application under section 47A;

D represents the fortnightly amount of the pension to which the person through whom the entitlement is derived became entitled upon his retirement;

(d) where entitlement thereto is derived through a person who retired pursuant to an election referred to in paragraph (iv) of section 37 (2), in accordance with the formula—

(i) in the case of a person whose age for retirement is 60—

$$A = \frac{B \times C \times \left(1 - \frac{t}{40}\right) \times \frac{K}{100}}{D},$$

(ii) in the case of a person whose age for retirement is 62—

$$A = \frac{B \times C \times \left(1 - \frac{t}{42}\right) \times \frac{K}{100}}{D},$$

(iii) in the case of a person whose age for retirement is 65—

$$A = \frac{B \times C \times \left(1 - \frac{t}{45}\right)}{D},$$

where—

A represents the amount payable in respect of each unit of benefit expressed in dollars and cents to the nearest cent;

B represents the factor set forth in Schedule IVF opposite the age of the widow at nearest birthday as at the date of her husband's death;

C represents the fortnightly amount of pension to which the person through whom the entitlement is derived was, immediately before his death, entitled under this Act or, as the case may be, would have been entitled under this Act but for an application under section 47A;

D represents the fortnightly amount of pension to which the person through whom the entitlement is derived became entitled upon his retirement;

K represents 85 + 3 (age at retirement in years and complete months—55) with a maximum value of 100;

t represents the difference between the age expressed in years and complete months as at

the date of retirement of the person through whom the entitlement is derived and the age for retirement of that person.

(2) Notwithstanding the provisions of subsection (1), the value of a unit of assurance benefit in respect of which an exemption has been granted by the Board pursuant to subsection (3A) of section 27 shall be such value as is determined by the actuary appointed for the purposes of this Act and approved by the Board.

42A. Extent of assurance benefit. (1) Subject to this Act, a widow to whom section 41 applies is entitled to receive assurance benefit according to the number of units for which the person through whom the entitlement is derived was contributing immediately before he ceased to be a contributor.

(2) Where a person who, on or after the passing of the *Superannuation Acts Amendment Act 1984*, attains the age for retirement or retires pursuant to an election referred to in paragraph (iv) of section 37 (2) and has commuted (pursuant to Division VA of this Part) for a lump sum the whole or part of the annuity benefit to which he became entitled under this Act, his widow is not entitled to receive assurance benefit in respect of the number of units of assurance benefit equal to the number of units of annuity benefit that have been commuted.

42B. Widow's right to substitute pension for assurance benefit.

(1) Subject to this section, a widow to whom section 41 applies may elect not to receive assurance benefit for one or more units of assurance benefit but to receive in lieu thereof a widow's pension.

(2) The rate of widow's pension for each unit of assurance benefit to which the election relates shall be \$2.56 per fortnight except in the following cases:—

- (a) where the value of each unit of assurance benefit to which the widow is entitled is ascertained as prescribed by paragraph (c) of section 42, the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

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

where—

R represents the fortnightly rate of pension for each unit of assurance benefit, expressed in dollars and cents to the nearest cent;

A represents the fortnightly amount of pension to which the person through whom the widow's entitlement is derived was immediately before his death entitled under this Act or would have been entitled under this Act but for the operation

of section 53 (4) or an application under section 47A;

B represents the fortnightly amount of pension to which the person through whom the widow's entitlement is derived became entitled upon his retirement;

(b) where the value of each unit of assurance benefit to which the widow is entitled is ascertained as prescribed by paragraph (d) of section 42 (1), the rate per fortnight of widow's pension for each unit of assurance benefit shall be ascertained in accordance with the formula—

(i) in the case of a person whose age for retirement is 60—

$$R = \frac{2.56 \times A \times \left(1 - \frac{1}{40}\right) \times \frac{K}{100}}{B},$$

or

(ii) in the case of a person whose age for retirement is 62—

$$R = \frac{2.56 \times A \times \left(1 - \frac{1}{42}\right) \times \frac{K}{100}}{B},$$

or

(iii) in the case of a person whose age for retirement is 65—

$$R = \frac{2.56 \times A \times \left(1 - \frac{1}{45}\right)}{B},$$

where—

R represents the fortnightly rate of pension for each unit of assurance benefit, expressed in dollars and cents to the nearest cent;

A represents the fortnightly amount of pension to which the person through whom the widow's entitlement is derived was, immediately before his death, entitled under this Act or would have been entitled under this Act but for an application under section 47A;

B represents the fortnightly amount of pension to which the person through whom the widow's entitlement is derived became entitled upon his retirement;

K represents $85 + 3$ (age at retirement in years and complete months—55) with a maximum value of 100;

t represents the difference between the age expressed in years and complete months as at the date of retirement of the person through whom the entitlement is derived and the age for retirement of that person.

(3) An election under subsection (1)—

shall be in writing;

shall be made within six months after the date on which the entitlement to the assurance benefit arises; and

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

(4) A widow's pension under this Act ceases to be payable under this Act if she remarries.

(5) Where a person entitled to a widow's pension under this Act remarries and—

(a) again becomes widowed; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is in the Board's opinion likely to suffer hardship if the benefit prescribed by this subsection is not granted to her,

that person shall, subject to subsections (4) and (6), be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b), whichever is relevant to the case, as if she had not remarried.

(6) A widow who having remarried again becomes widowed shall not be entitled to a pension pursuant to subsection (5) if an amount becomes payable to the widow under section 41 of this Act or under section 29 of the 1974 Act in the event of her so becoming widowed unless she elects as prescribed to forgo entitlement to that amount to which she is entitled under either of those sections or under both of those sections if she is entitled under both sections.

An election under this subsection—

shall be in writing; and

shall be made within six months after the date on which the widow so becomes widowed.”.

55. Preservation of existing entitlements. Entitlements that have arisen under the Principal Act shall continue to be governed by the Principal Act as if sections 41, 42, 42A and 42B of that Act had not been repealed by this Act and, in addition, in the

application of section 42B of that Act to any such entitlement, as if the following subsection had been added to section 42B:—

“(5) Where an entitlement to a widow’s assurance benefit had by reason of the death of a contributor or pensioner has ceased after the commencement of the *Superannuation Acts Amendment Act 1984* and revived as prescribed by section 41, this section does not apply in respect of the entitlement, upon its revival, derived through the same contributor or pensioner.”.

56. New Schedules. The Principal Act is amended by adding after Schedule III the following schedules:—

“SCHEDULE IV

[s. 42]

Value per unit of assurance for widows of contributors whose age for retirement is 60 and who die before age 55

Contributor’s Age Nearest Birthday at Date of Death	Value
	\$
Up to 25	468
26	481
27	494
28	508
29	521
30	534
31	548
32	561
33	574
34	588
35	601
36	614
37	628
38	641
39	655
40	668
41	681
42	695
43	708
44	721
45	735
46	748
47	761
48	775
49-55	784

SCHEDULE IVA

[s. 42]

Value per unit of assurance for widows of contributors whose age for retirement is 62 and who die before age 57

Contributor's Age Nearest Birthday at Date of Death	Value
	\$
Up to 25	468
26	481
27	494
28	508
29	521
30	534
31	548
32	561
33	574
34	588
35	601
36	614
37	628
38	641
39	655
40	668
41	681
42	695
43	708
44	721
45	735
46	748
47	761
48	775
49	788
50	801
51	815
52-57	830

SCHEDULE IVB

[s. 42]

Value per unit of assurance for widows of contributors whose age for retirement is 65 and who die before age 60

Contributor's Age Nearest Birthday at Date of Death	Value
	\$
Up to 25	468
26	481
27	494
28	508
29	521
30	534
31	548
32	561
33	574
34	588
35	601
36	614
37	628
38	641
39	655
40	668
41	681
42	695
43	708
44	721
45	735
46	748
47	755
48	763
49	770
50-60	777

SCHEDULE IVC

[s. 42]

Value per unit of assurance for widows of contributors whose age for retirement is 60 and who die at age 55 or between ages 55 and 60

Contributor's Age in Years and Complete Months at Date of Death		Value	Contributor's Age in Years and Complete Months at Date of Death		Value
Years	Months		Years	Months	
		\$			\$
55	0	785	58	0	854
	1	787		1	856
	2	789		2	858
	3	791		3	860
	4	792		4	862
	5	794		5	864
	6	796		6	866
	7	798		7	868
	8	800		8	870
	9	802		9	872
	10	804		10	874
	11	806		11	876
56	0	808	59	0	878
	1	810		1	880
	2	812		2	882
	3	814		3	884
	4	816		4	885
	5	818		5	887
	6	820		6	889
	7	822		7	891
	8	823		8	893
	9	825		9	895
	10	827		10	897
	11	829		11	899
57	0	831			
	1	833			
	2	835			
	3	837			
	4	839			
	5	841			
	6	843			
	7	845			
	8	847			
	9	849			
	10	851			
	11	853			

SCHEDULE IVD

[s. 42]

Value per unit of assurance for widows of contributors whose age for retirement is 62 and who die at age 57 or between ages 57 and 62

Contributor's Age in Years and Complete Months at Date of Death		Value	Contributor's Age in Years and Complete Months at Date of Death		Value
Years	Months		Years	Months	
57	0	\$ 831	60	0	\$ 899
	1	833		1	897
	2	835		2	895
	3	837		3	893
	4	839		4	892
	5	841		5	890
	6	843		6	888
	7	845		7	886
	8	847		8	884
	9	849		9	882
	10	851		10	880
58	11	853	61	11	878
	0	854		0	877
	1	856		1	875
	2	858		2	873
	3	860		3	871
	4	862		4	869
	5	864		5	867
	6	866		6	865
	7	868		7	863
	8	870		8	862
	9	872		9	860
59	10	874	62	10	858
	11	876		11	856
	0	878			
	1	880			
	2	882			
	3	884			
	4	885			
	5	887			
	6	889			
	7	891			
	8	893			
9	895				
10	897				
11	899				

SCHEDULE IVE

[s. 42]

Value per unit of assurance for widows of contributors whose age for retirement is 65 and who die at age 60 or between ages 60 and 65

Contributor's Age in Years and Complete Months at Date of Death		Value	Contributor's Age in Years and Complete Months at Date of Death		Value
Years	Months		Years	Months	
		\$			\$
60	0	777	63	0	773
	1	777		1	773
	2	777		2	773
	3	777		3	772
	4	777		4	772
	5	777		5	772
	6	777		6	772
	7	777		7	771
	8	777		8	771
	9	777		9	771
	10	777		10	771
	11	777		11	770
61	0	777	64	0	770
	1	777		1	770
	2	777		2	770
	3	777		3	770
	4	777		4	769
	5	777		5	769
	6	777		6	769
	7	777		7	769
	8	776		8	769
	9	776		9	768
	10	776		10	768
	11	776		11	768
62	0	776			
	1	776			
	2	776			
	3	775			
	4	775			
	5	775			
	6	775			
	7	774			
	8	774			
	9	774			
	10	774			
	11	773			

SCHEDULE IVF

[s. 42]

Factors for widows of former members

Widow's Age Nearest Birthday at Date of Death of Former Member	Factor
Up to 24	401
25 to 29	468
30 to 34	534
35 to 39	601
40 to 59	668
60 to 64	601
65 to 69	534
70 to 74	468
75 to 79	401
80 to 82	334
83 to 85	284
86 to 88	250
89 to 91	217
92 to 94	184
95 to 97	150
98 to 100	117

**PART VII—AMENDMENT OF PARLIAMENTARY
CONTRIBUTORY SUPERANNUATION ACT**

57. Citation. (1) In this Part the *Parliamentary Contributory Superannuation Act 1970-1984* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Parliamentary Contributory Superannuation Act 1970-1985*.

58. Repeal of ss. 20, 20A and 20B and new sections in lieu. The Principal Act is amended by repealing sections 20, 20A and 20B and substituting the following sections:—

“20. Benefit of widows of members other than continuing members. The widow of a member or former member (other than the widow of a continuing member, a former continuing member or a former new member who had converted the whole of his pension entitlement to a lump sum) is entitled to payment of a sum—

- (a) in the case of the widow of a new member who has not served for an aggregate period of eight years, in accordance with whichever of the following formulae, for A or F, yields the greater amount:—

$$A = .309 \times B \times C \times \frac{D}{E}$$

where—

A represents the amount payable;

B has the value—

- (i) 10, if the member's age at death is less than 66 years;
- (ii) 10 less half the difference between the member's age and 65, if the member's age at death is 66 years or more but less than 75 years;
- (iii) zero, if the member's age at death is 75 years or more;

C represents the basic salary payable at the date of the member's death;

D represents the total salary received by the member pursuant to *The Constitution Act Amendment Act of 1896* as amended from time to time or *The Officials in Parliament Act of 1896* as amended from time to time;

E represents the total basic salary in respect of the period of service of the member in the Assembly;

$$F = G \times H$$

where—

F represents the amount payable;

G represents 40 per centum of the basic salary payable at the date of the member's death;

H represents the factor set forth in Schedule II opposite the age at nearest birthday of the widow at the date of the member's death;

- (b) in the case of the widow of a new member who has served for an aggregate period of eight years or more, in accordance with whichever of the following formulae, for A or F, yields the greater amount:—

$$A = \frac{3}{4} \times I \times B \times C \times \frac{D}{E},$$

where—

A represents the amount payable;

I has the value $.412 + [.002 \times (t - 96)]$, the symbol t having a value of 240 or a less number, being the number of complete months during which the member received salary as a member prior to death;

B, C, D and E represent respectively the same values as are ascribed to them in paragraph (a)

$$F = G \times H$$

where—

F represents the amount payable;

G represents either—

(i) $\frac{2}{3} \times I \times C \times \frac{D}{E}$; or

(ii) $.4 \times C$,

whichever yields the greater value;

I, C, D and E represent respectively the same values as are hereinbefore ascribed to them in this paragraph;

H represents the factor set forth in Schedule II opposite the age at nearest birthday of the widow at the date of the member's death;

- (c) in the case of the widow of a former new member who was or but for the application of section 24

would have been in receipt of a pension immediately before his death, in accordance with the formula—

$$A = B \times \frac{C}{D} \times E$$

where—

A represents the amount payable;

B represents—

- (a) two-thirds of the pension that became or but for the application of section 24 would have become payable to the former member when he ceased to be a member; or
- (b) 40 per centum of the basic salary at the time when the former member ceased to be a member,

whichever is the greater;

Provided that if the former member had, pursuant to section 18 or 19A, converted a part of his pension entitlement to a lump sum payment such amount shall be reduced by the proportion that the part in respect of which the election to convert was made bears to the whole of the former member's pension entitlement;

C represents the annual amount of the pension that was payable under this Act to the person through whom the widow derives the entitlement immediately before his death or, where that person had made an election under section 18 or 19A, or section 24 applied to him, that would have been payable under this Act to that person immediately before his death but for the election or the application of section 24;

D represents the annual amount of the pension (being the pension to which the declaration as to "C" in this paragraph (c) refers) that was payable or, as the case may be, would have been payable under this Act to the person through whom the widow derives the entitlement on that person ceasing to be a member;

E represents the factor set forth in Schedule II opposite the age at nearest birthday of the widow as at the date of the former member's death.

- (d) in the case of the widow of a former member who ceased to be a member prior to 22nd October, 1983 and immediately before his death, was entitled to a pension or would have been entitled to a pension

but for an election under section 18 or the application of section 24, in accordance with the formula—

$$A = B \times \frac{C}{D} \times E$$

where—

A represents the amount payable;

B represents—

- (a) five-eighths of the pension that became payable to the former member when he ceased to be a member; or
- (b) 40 per centum of the basic salary at the time when the former member ceased to be a member,

whichever is the greater;

C represents the annual amount of the pension that was payable under this Act to the person through whom the widow derives the entitlement immediately before his death or, where that person had made an election under section 18 or section 24 applied to him, that would have been payable under this Act to that person immediately before his death but for the election or the application of section 24;

D represents the annual amount of the pension (being the pension to which the declaration as to "C" in this paragraph (d) refers) that was payable or, as the case may be, would have been payable under this Act to the person through whom the widow derives the entitlement on that person ceasing to be a member;

E represents the factor set forth in Schedule II opposite the age at nearest birthday of the widow as at the date of the former member's death.

20A. Widow's right to substitute pension for entitlement. (1)

The widow of a member or former member (other than the widow of a continuing member, a former continuing member, or a former new member who had converted the whole of his pension entitlement to a lump sum) may elect not to receive the sum payable to a widow pursuant to section 20 but to receive in lieu a pension on and from the day following the date of the member's or former member's death until the widow's death or remarriage.

(2) The rate of widow's pension payable shall be calculated—

- (a) in the case of the widow of a new member who has not served for an aggregate period of eight years, in accordance with the formula—

$$P = B \times C$$

where—

P represents the annual amount of widow's pension;

B represents 40 per centum of the basic salary payable at the date of the member's death;

C represents a fraction that is equivalent to the percentage of the amount of widow's entitlement in respect of which the widow desires to substitute a widow's pension;

- (b) in the case of the widow of a new member who has served for an aggregate period of eight years or more, in accordance with the formula—

$$P = B \times C$$

where—

P represents the annual amount of widow's pension;

B represents either—

- (i) two-thirds of the pension that would have become payable to the member if he had ceased to be a member on the date of his death and had been entitled to a pension under section 17; or

- (ii) 40 per centum of the basic salary payable at the date of the member's death,

whichever is the greater;

C represents a fraction that is equivalent to the percentage of the amount of widow's entitlement in respect of which the widow desires to substitute a widow's pension;

- (c) in the case of the widow of a former new member who was or but for the application of section 24 would have been in receipt of a pension immediately before his death, in accordance with the formula—

$$P = B \times \frac{C}{D} \times E$$

where—

P represents the annual amount of widow's pension;

B represents—

- (a) two-thirds of the pension that became or but for the application of section 24 would have become payable to the former member when he ceased to be a member; or
- (b) 40 per centum of the basic salary at the time when the former member ceased to be a member,
whichever is the greater;

Provided that if the former member had, pursuant to section 18 or 19A, converted a part of his pension entitlement to a lump sum payment such amount shall be reduced by the proportion that the part in respect of which the election to convert was made bears to the whole of the former member's pension entitlement;

C represents the annual amount of the pension that was payable under this Act to the person through whom the widow derives the entitlement immediately before his death or, where that person had made an election under section 18 or 19A, or section 24 applied to him, that would have been payable under this Act to that person immediately before his death but for the election or the application of section 24;

D represents the annual amount of the pension (being the pension to which the declaration as to "C" in this paragraph (c) refers) that was payable or, as the case may be, would have been payable under this Act to the person through whom the widow derives the entitlement on that person ceasing to be a member;

E represents a fraction that is equivalent to the percentage of the amount of widow's entitlement in respect of which the widow desires to substitute a widow's pension.

- (d) in the case of the widow of a former member who ceased to be a member before 22 October 1983 and who immediately before his death was entitled to a pension or would have been entitled to a pension but for an election under section 18 or the application of section 24, in accordance with the formula—

$$P = \frac{B}{C}$$

where—

P represents the annual amount of widow's pension;

B represents the sum to which the widow is entitled pursuant to section 20 or, where the election relates to part only of that sum, the value of that part;

C represents the factor set forth in Schedule II opposite the age at nearest birthday of the widow as at the date of the former member's death.

(3) An election under subsection (1)—

shall be in writing;

shall be made within six months after the date on which the entitlement to payment of the sum to the widow arises;

shall specify the percentage of the amount of entitlement in respect of which the elector desires to substitute a widow's pension.

(4) This section does not apply to the widow of a deceased new member (other than a continuing member who has elected to be treated as a new member) unless in the trustees' opinion the widow was wholly financially dependent upon the member immediately before his death.

For the purposes of this subsection a widow shall be taken to be wholly financially dependent upon a member notwithstanding that the widow is in receipt of an income that in the trustees' opinion is insufficient to maintain for the widow a reasonable standard of living.

20B. Pension for widow of continuing member. (1) Upon the death of a former continuing member (other than a continuing member who has elected to be treated as a new member) who immediately before his death was in receipt of, or who, if he had not, pursuant to section 18, converted the whole of his pension entitlement to a lump sum or if section 24 had not applied to him, would have been entitled to receive, a pension under the provisions of this Part the widow of that person shall until death or re-marriage be entitled to an annual pension at the rate of—

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

(b) 40 per centum of the basic salary at the time when he ceased to be a member,

whichever is greater, increased by the fraction

$$\frac{A}{B}$$

where—

A represents the annual amount of pension that was payable under this Act to the person through whom the widow derives the entitlement immediately before his death or, where that person had made an election under section 18 or section 24 applied to him, that would have been payable under this Act to that person immediately before his death but for the election or the application of section 24;

B represents the annual amount of the pension (being the pension to which the declaration as to "A" in this subsection refers) that was payable or, as the case may be, would have been payable under this Act to the person through whom the widow derives the entitlement on that person ceasing to be a member.

(2) Upon the death of a continuing member (other than a continuing member who has elected to be treated as a new member) who has served for an aggregate period of eight years or more the widow of that person shall until death or re-marriage be entitled to an annual pension at the rate of—

(a) five-eighths of the pension that would have become payable to that person if he had ceased to be a member on the date of his death and had been entitled to a pension under section 17; or

(b) 40 per centum of the basic salary payable at the date of his death,

whichever is greater.

(3) Upon the death of a continuing member (other than a continuing member who has elected to be treated as a new member) before he has served for an aggregate period of eight years the widow of that person shall until death or re-marriage be entitled to a pension at the rate of 40 per centum of the basic salary at the time of his death.

20C. Provisions applicable to widow's pension. (1) Where a person who as a widow is entitled to a widow's pension remarries and—

(a) again becomes widowed; or

(b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage, and the widow is, in the trustees' opinion, likely to suffer hardship if the benefit prescribed by this subsection is not granted to the widow,

the widow shall be entitled, until death or further re-marriage to an annual pension on and from the occurrence of the event referred to in paragraph (a) or (b) (whichever is relevant to the case), at the same rate as that at which the pension would have been payable had there been no re-marriage.

(2) A widow who having remarried again becomes widowed shall not be entitled to a pension pursuant to subsection (1) if a sum becomes payable to the widow under section 20 in the event of her or his so becoming widowed unless the widow elects as prescribed to forgo entitlement to that sum.

An election under this subsection—

shall be in writing; and

shall be made within six months after the date on which the widow so becomes widowed.”.

59. Preservation of existing entitlements. Entitlements that have arisen under the Principal Act shall continue to be governed by the Principal Act as if sections 20, 20A and 20B of that Act had not been repealed by this Act.

60. Amendment of s. 21. Payments to children. Section 21 of the Principal Act is amended by—

(a) in subsection (1), inserting in paragraph (a) after the word “or” where it first occurs the words “of a person (being a member other than a new member)”;

(b) in subsection (2), omitting paragraph (a) and substituting the following paragraph:—

“(a) in respect of any child of a deceased member or person—

(i) in respect of any period for which a pension is payable in respect of the widow of such member or person;

(ii) where the widow of such member or person has been paid a sum to which he or she is entitled under section 20, during the lifetime of the widow;

(iii) where pension under this Act has ceased to be payable to the widow of such member or person by reason of re-marriage, during the lifetime of the widow.”.

61. Amendment of s. 22. Payment to female dependent. Section 22 of the Principal Act is amended by—

(a) omitting subsection (4) and substituting the following subsection:—

“(4) The trustees shall set off—

(a) against any sum payable under this section any payment from the Fund made under section 21 to any child or children of the deceased member or person in question;

or

(b) against pension payable under this section in respect of any period any payment from the Fund made under section 21 in respect of that period to any

child or children of the deceased member or person in question.”;

(b) in subsection (5), omitting the expression “20” and substituting the expression “20A or 20B”.

62. New s. 23A. The Principal Act is amended by inserting after section 23 the following section:—

“23A. Entitlement in respect of beneficiary who becomes a member. A person who—

- (a) being a contributor under the *State Service Superannuation Act 1972* or that Act as amended (herein called “the 1972 Act”), has retired or been retired and has thereby become entitled to any payment on account of any entitlement under the 1972 Act, and becomes a member; or
- (b) being a contributor under the *Police Superannuation Act 1974* or that act as amended (herein called “the 1974 Act”), has retired or been retired and has thereby become entitled to any payment on account of any entitlement under the 1974 Act, and becomes a member,

is not a person to whom or in relation to whom this Act applies unless, within a period of three months after first so becoming a member, he elects, by notice in writing given to the trustees, to be treated as a person to and in relation to whom this Act applies whereupon he shall become and be such a person on and from the date of his first so becoming a member but, notwithstanding any other provision of this Act, the amount of his entitlement under this Act, other than under section 17 (2) or (3), or of the entitlement under this Act of any other person arising by reason of his being a person to and in relation to whom this act applies, other than the entitlement of his personal representative under section 17 (3), shall be reduced by an amount determined by the Actuary, having regard to the amount of the subsidy component of the payment on account of any entitlement referred to in paragraph (a) or (b).

In this section the expression “subsidy component”, in relation to a payment, means that part of the payment that is not financed by the contributions of the contributor.”.

63. Amendment of s. 25A. Adjustment of pensions. Section 25A of the Principal Act is amended by, in subsection (1), omitting from the definition “basic rate” the expression “20” and substituting the expression “20A, 20B”.

64. Amendment of s. 30A. Adjustment of annuities. Section 30A of the Principal Act is amended by, in subsection (6), omitting the words “occurring in the month of October” and substituting the words “occurring wholly in the month of August”.

65. New Schedule II. The Principal Act is amended by adding after the Schedule the following schedule:—

“SCHEDULE II

[ss. 20, 20A]

Factors for widows of members or former members

Age Nearest Birthday of Widow At Time of Member's or Former Member's Death	Factor
Up to 24	6.0
25 to 29	7.0
30 to 34	8.0
35 to 39	9.0
40 to 59	10.0
60 to 64	9.0
65 to 69	8.0
70 to 74	7.0
75 to 79	6.0
80 to 82	5.0
83 to 85	4.25
86 to 88	3.75
89 to 91	3.25
92 to 94	2.75
95 to 97	2.25
98 to 100	1.75”.