



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 84 of 1969

An Act to consolidate and amend the law relating to superannuation benefits for certain persons employed by the Government of South Australia ; to make provisions for the families of such persons ; to continue a system of voluntary saving ; and for purposes consequent thereon or incidental thereto.

[Assented to 11th December, 1969.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I

PART I.

PRELIMINARY

- 1. This Act may be cited as the "Superannuation Act, 1969". Short title.

- 2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

- 3. This Act is divided as follows :— Division of Act.
 - PART I.—PRELIMINARY, ss. 1-6.
 - PART II.—THE FUND AND THE BOARD, ss. 7-24
 - PART III.—CONTRIBUTIONS, ss. 25-53—
 - Division 1.—Contributions by Employees generally, ss. 25-42 :

PART I.

Division 2.—Scale of Contributions by Employees, ss. 43-44 :

Division 3.—Reserve Units of pension, ss. 45-50 :

Division 4.—Contributions by the Government, s. 51 :

Division 5.—General Provisions as to Contributions, ss. 52-53.

PART IV.—PENSIONS AND BENEFITS, ss. 54-88—

Division 1.—Retirement on Pension, ss. 54-62 :

Division 2.—Grant of Pensions and Benefits, ss. 63-88.

PART V.—VOLUNTARY SAVINGS, ss. 89-96.

PART VI.—PENSIONS SUPPLEMENTATION, ss. 97-100.

PART VII.—RETIREMENT BENEFITS ACCOUNTS, ss. 101-103.

PART VIII.—MISCELLANEOUS, ss. 104-116.

Definitions.

4. (1) In this Act, unless the contrary intention appears—

“actuarial equivalent” in relation to a pension which is expressed to be the actuarial equivalent of contributions paid or deemed to have been paid, means the amount of pension together with the contingent widow’s pension in respect thereof, which the Public Actuary certifies to have a present value equal to the surrender value of such contributions :

“actuary” means a Fellow of the Institute of Actuaries (London), a Fellow or Associate of the Faculty of Actuaries (Edinburgh) or a Fellow of the Institute of Actuaries of Australia and New Zealand or any other person of whose actuarial knowledge or experience the Governor by notice in writing approves :

“age of retirement”—

(a) in relation to a male employee or contributor, means sixty-five years unless that employee or contributor has elected as provided for in

section 55 of this Act in which case in relation to that employee or contributor the expression means sixty years ;

and

(b) in relation to a female employee or contributor, means sixty years unless that employee or contributor has elected as provided for in section 55 of this Act in which case in relation to that employee or contributor the expression means fifty-five years :

“contributor” means a contributor to the Fund and includes any person who is accepted by the Board as a contributor to the Fund whether or not that person has actually commenced making contributions to the Fund :

“employee” means any person employed in a permanent capacity by the Government of South Australia, who is by the terms of his employment required to give his whole time to the duties of his employment but does not include—

- (a) any Judge of the Supreme Court ;
- (b) a person who is or was entitled to elect to contribute for a pension provided for by the Industrial Code, 1967, as amended, or the Local and District Criminal Courts Act, 1926-1969 ;
- (c) any contributor to the Police Pensions Fund ;
- (d) any contributor to any Superannuation Fund established under any law of the Commonwealth for the Public Service of the Commonwealth ;

or

- (e) any person or any person of a class declared by proclamation not to be an employee for the purpose of this Act.

“entitlement day”—

- (a) in relation to a contributor the anniversary of whose birth falls within the period commencing on and including the first day of January and ending on and including the thirtieth day of June, means the thirty-first day of October ;

and

(b) in relation to any other contributor, means the thirtieth day of April :

“member of the Board” includes a member of the Board who is for the time being appointed as President of the Board and the deputy of a member of the Board while acting as such :

“neglected unit” in relation to any contributor or employee, means any unit of pension in respect of which, before or after the commencement of this Act, the contributor or employee—

(a) elected or was deemed to have elected not to contribute ;

(b) has been exempted by the Board from contributing ;

or

(c) has been refused permission by the Board to contribute :

“payment day”—

(a) in relation to a contributor whose entitlement day is the thirty-first day of October, means the first pay day of that contributor occurring in the month of January next following that entitlement day ;

and

(b) in relation to a contributor whose entitlement day is the thirtieth day of April, means the first pay day of that contributor occurring in the month of July next following that entitlement day :

“pensioner” means a person who is in receipt of a pension pursuant to this Act and includes a person who is in receipt of a pension under the repealed Act :

“reserve units account” means the reserve units of pension account continued in existence by section 46 of this Act :

“salary” means salary or wages and includes the value of allowances such as allowances for rent, house allowed rent free, light, fuel, rations and fees allowed regularly as emoluments of office but does not include payments of a temporary character, bonuses, overtime payments or allowances for forage, equipment, climatic disadvantages, cost of living or travelling expenses :

“service” means service under or employment by the Government of South Australia and includes service under or employment by the South Australian Railways Commissioner, the Irrigation Commission, the Commissioner of Highways, the State Bank of South Australia, the Council of the South Australian Institute of Technology and service as defined in the repealed Act and service which is by or under any Act regarded as service under the Government of South Australia :

“student child” means a child of or over the age of sixteen years and under the age of twenty-one years in full time attendance at an educational institution approved of by the Board :

“the Board” means the South Australian Superannuation Fund Board continued in existence under this Act :

“the Fund” means the South Australian Superannuation Fund continued in existence under this Act :

“the repealed Act” means the Superannuation Act, 1926, as in force from time to time :

“units appropriate to his salary” in relation to a contributor, means the number of units of pension appropriate to the salary of that contributor as at each entitlement day, calculated in accordance with the scale set out in subsection (1) of section 28 of this Act.

(2) Without limiting the generality of the definition of “employee” in subsection (1) of this section, persons employed by the following persons or bodies shall be deemed to be employed by the Government of South Australia :—

- (a) the South Australian Railways Commissioner ;
- (b) the Irrigation Commission ;
- (c) the Commissioner of Highways ;
- (d) the State Bank of South Australia ;
- or
- (e) the Council of the South Australian Institute of Technology.

(3) Any person for the time being holding any of the following offices :—

- (a) South Australian Railways Commissioner ;
- (b) Irrigation Commissioner ;

- (c) Commissioner of Highways ;
- (d) Commissioner appointed under the Public Service Act, 1967, as amended ;
- (e) Garden Suburb Commissioner ;
- or
- (f) any other office the period of the term of which is limited or fixed by any Act and the occupant of which who is by the terms of his employment in that office required to give his whole time to the duties of that employment,

shall, for the purposes of this Act and notwithstanding that his term of office is for a limited or fixed period only, be deemed to be employed in a permanent capacity by the Government of South Australia.

(4) Without limiting the generality of the definition of "employee" in subsection (1) of this section, a person shall be deemed to be employed in a permanent capacity by the Government of South Australia if—

- (a) he is an Officer as defined in the Public Service Act, 1967, as amended ;
- (b) he is a teacher appointed under the Education Act, 1916, as amended, other than such a teacher expressly appointed as a temporary teacher ;
- (c) he is a salaried railways officer appointed under the South Australian Railways Commissioner's Act, 1936, as amended ;
- (d) subject to subsection (5) of this section he is employed by the Government of South Australia in employment other than that mentioned in paragraphs (a), (b) or (c) of this subsection which—
 - (i) is not casual ;
 - (ii) is not expressed or implied to be limited to a specific term ;
 and
 - (iii) is not likely to terminate on the completion of a particular work or undertaking.

or

- (e) he is employed as an apprentice in the service of the Government of South Australia or as an apprentice appointed under the South Australian Railways Commissioner's Act, 1936 as amended.

(5) In the case of a person who is employed by the Government of South Australia in the circumstances referred to in paragraph (d) of subsection (4) of this section the Board may direct that such a person shall be deemed not to be employed in a permanent capacity by the Government until that person has been so employed for such period as the Board directs and in that case, for the purposes of this Act, that person shall be deemed not to be an employee until the expiration of that period.

(6) If any question arises as to whether a person is or is not an employee as defined in subsection (1) of this section that question shall be determined by the Board and that determination shall be final and shall not be subject to review by any court or tribunal.

(7) For the purposes of paragraph (e) of the definition of "employee" in subsection (1) of this section the Governor may by proclamation declare any person or any person of a class of persons not to be an "employee" and the Governor may by proclamation amend or revoke any such declaration.

5. (1) The Acts and the portions of the Acts specified in the first schedule to this Act are repealed. Repeal and savings.

(2) Notwithstanding the repeal effected by subsection (1) of this section—

(a) all regulations made under the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and to have effect as if the necessary power to make them had been enacted by this Act ;

and

(b) such regulations may be amended or revoked by regulations made under this Act.

(3) Except as expressly provided in this Act, the repeal effected by subsection (1) of this section shall not affect any rights accrued under the repealed Act or the effect of any decision, consent, permission or approval made or granted under the repealed Act or of any condition attached to such consent, permission or approval.

(4) Where in any other Act or in any document, rule or regulation a reference is made to the repealed Act or any provision thereof that reference shall, so far as it is applicable, be read as a reference to this Act or to the corresponding provision, if any, of this Act.

PART I.

(5) The mention of particular matters in this section or in any other section of this Act shall not affect the general application of the Acts Interpretation Act, 1915, as amended, to this Act, except to the extent that that Act is inconsistent with this Act.

**Employees of
public
authorities.**

6. (1) The Board may, with the approval of the Treasurer, make an arrangement with any public authority for or with respect to any of the following matters :—

- (a) granting rights to any employees or employees of a class of employees of the public authority to contribute to the Fund ;
- (b) the contributions to be made to the Fund by any such employees ;
- (c) the contributions to be made to the Fund by the public authority in respect of pensions or benefits payable to the said employees, their wives, husbands, children and dependants ;
- (d) the pensions or other benefits payable to any such employees, their wives, husbands, children and dependants ;
- (e) the application of this Act or any provision of this Act to the public authority or to the employees of the public authority, their wives, husbands, children and dependants ;
- (f) payment by the public authority of the costs of and incidental to the carrying out of the arrangement and of the regulations made for carrying it into effect ;

and

- (g) any other matter relevant or incidental to those above mentioned.

(2) The Board may, with the approval of the Treasurer, make supplementary arrangements with a public authority varying or adding to or revoking any arrangement for the time being in force under this section.

(3) The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for carrying into effect any arrangement made pursuant to this section.

(4) Any arrangement or supplementary arrangement made by the Board pursuant to section 3a of the repealed Act with any public authority as defined in that section shall continue in

existence and this Act shall apply and have effect to and in relation to such an arrangement or supplementary arrangement as if that arrangement or supplementary arrangement were an arrangement made by the Board with a public authority pursuant to this section.

(5) In this section unless the contrary intention appears—

“employee” means a person in the employment of a public authority whether or not that person is or is deemed to be an employee as defined in subsection (1) of section (3) of this Act :

“public authority” means any body whether incorporate or unincorporate constituted under any Act, in relation to which the Governor or a Minister of the Crown has the right to appoint any or all of its members.

PART II.

PART II

THE FUND AND THE BOARD

The Fund.

7. (1) The South Australian Superannuation Fund established by the repealed Act shall continue in existence.

(2) There shall be paid into the Fund the contributions for the purposes of this Act of the Government and of employees and there shall be paid out of the Fund the benefits provided for by this Act.

(3) Income derived from the investments of the Fund shall form part thereof.

(4) The Fund shall be exempt from all taxation provided for by any Act of the State.

(5) For the purposes of the Fund the Board may borrow moneys from the Treasurer, which moneys the Treasurer is, subject to subsection (6) of this section, hereby authorized to lend to the Board.

(6) Moneys lent by the Treasurer pursuant to subsection (5) of this section shall be lent on the security of moneys of the Fund invested in Government Securities and the aggregate of:—

(a) the amount of moneys so lent and for the time being unpaid ;

and

(b) the amount of moneys lent by the Treasurer pursuant to subsection (4) of section 4 of the repealed Act and for the time being unpaid,

shall not at any time exceed two-thirds of the amount of the moneys of the Fund invested in Government securities.

Investment of Fund.

8. (1) The Fund shall, so far as is practicable, be invested by the Board :—

(a) in securities of the Commonwealth ;

(b) in securities of any State or Territory of the Commonwealth ;

(c) in loans to local government bodies in Australia ;

- (d) upon mortgage of land in Australia of an estate of inheritance in fee simple or on mortgage of leasehold interests in such land ;
- (e) subject to subsection (5) of this section, in any other manner for the time being allowed by—
- (i) any Act of this State relating to the investment of trust funds ;
- or
- (ii) any enactment of the Commonwealth or of any State, other than this State or of any Territory of the Commonwealth relating to the investment of trust funds in the Commonwealth, that State or Territory, as the case may be ;
- or
- (f) with the approval of the Treasurer, in the development of real property in the State and in dealing in such real property whether for the purposes of development or otherwise.

(2) Moneys held uninvested by the Board may be lodged either at call or on fixed deposit or partly on call and partly on fixed deposit with the Treasurer or with any bank prescribed for the purposes of this Act or in any prescribed bank within the meaning of subsection (2) of section 5 of the repealed Act and while any such moneys are in such a bank they shall be deemed to be moneys of the Crown.

(3) The amount of any loan made by the Board on the security of real property or of an interest in real property may be—

- (a) any sum not exceeding—
- (i) where the repayment of the moneys lent on mortgage is insured by the Board under the *Housing Loans Insurance Act 1965* of the Commonwealth as amended or any Act of the Commonwealth passed in substitution therefor, ninety-five per centum of the value of the property or interest as estimated by a valuer employed by the Board ;

PART II.

(ii) where the repayment of the whole of the principal and interest is guaranteed by the Government of South Australia, one hundred per centum of the value of the property or interest as so estimated ;

or

(iii) in any other case, seventy per centum of the value of the property or interest as so estimated ;

or

(b) any sum which the Board is authorized to lend under the Homes Act, 1941, as amended.

(4) The Board shall not lend money on mortgage of real property or on a mortgage of an interest in real property for any term exceeding thirty years.

(5) In the exercise of the powers conferred on it by paragraph (e) of subsection (1) of this section the Board shall not invest any portion of the Fund in preference or ordinary stock or shares, debentures or debenture stock or bonds, on deposit or by way of note or in any unit trust scheme except under and in accordance with the rules prescribed by regulation under this Act for the purpose of regulating such investment.

Audit.

9. The accounts relating to the Fund shall be audited by the Auditor-General.

**Triennial
investigation
by Public
Actuary.**

10. (1) An investigation shall be made into the state and sufficiency of the Fund as at the thirtieth day of June, 1970, and as at the expiration of each period of three years thereafter.

(2) The investigation shall be made by the Public Actuary who shall be the actuary to the Board.

(3) The Public Actuary shall report to the Board the result of his investigation and shall state whether any reduction or increase is necessary in the rates of contributions payable to the Fund or in the proportion payable by the Government in respect of any pension.

The Board.

11. (1) The Superannuation Fund Board constituted under the repealed Act shall continue in existence under the name of the "South Australian Superannuation Fund Board" and the President and members of the Board shall, subject to section

15 of this Act, continue in their respective offices for the balance of the term for which they were respectively appointed under the repealed Act and shall be eligible for re-appointment.

(2) The Board shall consist of three members who shall be appointed by the Governor and one of whom shall be appointed from persons nominated in the manner prescribed by employees and pensioners who were contributors at the time of becoming entitled to a pension.

(3) The Governor shall appoint one of the members of the Board to be President of the Board.

(4) One of the members of the Board shall be the Public Actuary.

12. (1) The members of the Board shall be appointed for a term of seven years and any member shall be eligible for re-appointment. Term of office.

(2) If any Officer as defined in the Public Service Act, 1967, as amended or any person otherwise employed in a permanent capacity by the Government of the State is appointed a member of the Board, the service of that Officer or person as a member shall for the purpose of determining his existing and accruing rights be counted as if his service were continuous in the position he held prior to his appointment as a member of the Board.

(3) The office of member of the Board may be held in conjunction with any other appointment under the Government of the State.

13. Where a member of the Board dies or otherwise vacates his office the Governor may appoint a person to fill the vacancy and the term of such appointment shall be for the unexpired portion of the term for which that member who died or otherwise vacated his office was last appointed. Extraordinary vacancies.

14. In the case of the illness, suspension or absence of any member of the Board the Governor may appoint a person to act as deputy of the member and while so acting that person shall have and may exercise all the powers and functions of the member and in the case of the deputy of a member who is for the time being appointed as President of the Board that deputy shall have and may exercise all the powers and functions of the President of the Board. Appointment of deputy.

PART II.

Suspension and removal of members of the Board.

15. (1) The Governor may suspend a member of the Board from his office for misbehaviour or incompetence or neglect of his duties as a member of the Board or mental or physical incapacity to perform those duties.

(2) Upon the suspension of a member the Minister shall cause a full statement of the grounds of that suspension to be laid before both Houses of Parliament within seven days after that suspension if the Parliament is then in session or if the Parliament is not then in session then within seven days after the commencement of the next session of the Parliament.

(3) A member of the Board suspended under this section shall be restored to his office unless each House of Parliament, within twenty-one days after the time when the statement referred to in subsection (2) of this section was laid before it, passes a resolution requesting the Governor to remove the member from his office, and upon the passage of those resolutions the member shall be removed from office by the Governor accordingly.

Vacation of office.

16. The office of a member of the Board shall become vacant if—

- (a) he dies or his term of office expires ;
- (b) he resigns by written notice given to the Governor ;
- (c) he is removed from office by the Governor pursuant to section 15 of this Act ;

or

- (d) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent persons or compounds with his creditors.

President of the Board.

17. The President of the Board shall be the permanent administrative officer of the Board, shall preside at its meetings and shall have a deliberative vote.

Remuneration of President and members.

18. The President of the Board and the other members shall be paid such remuneration respectively as the Governor from time to time determines.

Quorum meetings, voting, etc.

19. (1) Two members of the Board shall constitute a quorum at any meeting of the Board for the transaction of business and no business shall be transacted at any such meeting unless a quorum is present.

(2) The President of the Board shall give or cause to be given notice of every meeting to the other members.

(3) On any matter before a meeting of the Board the decision of the majority of votes cast by the members of the Board present at the meeting shall be the decision of the Board and where the voting on any question is equal the question shall be postponed to a meeting of the Board at which all three members are present.

(4) Subject to this section, the powers and functions of the Board may be exercised by the Board notwithstanding a vacancy in the office of one member.

20. (1) The Board—

**Incorporation
of the Board.**

(a) shall continue to be a body corporate with perpetual succession and a common seal ;

(b) shall be capable of suing and being sued and of taking or acquiring, taking or letting out on lease, holding, selling and otherwise disposing of land and property of all kinds ;

and

(c) shall have all the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

21. The secretary and staff of the Board shall be appointed under and subject to the Public Service Act, 1967, as amended.

Staff.

22. (1) The cost of the administration of this Act shall be paid out of moneys appropriated from time to time by Parliament for the purpose but at the end of each financial year there shall be paid from the Fund to the Treasurer in aid of the General Revenue of the State the amounts paid into the Fund under subsection (3) of this section.

**Cost of
Management.**

(2) The moneys received and paid in connection with the administration of this Act and the amounts in connection therewith shall be kept as part of the public accounts and separately from the moneys and accounts of the Fund.

(3) For the purposes of repaying to the Treasurer part of the costs of the administration of this Act each contributor shall in addition to any other contribution payable under this Act contribute to the Fund the sum of two cents per fortnight.

(4) The contributions required to be made pursuant to subsection (3) of this section shall be deducted from the salary of every contributor.

Annual Report.

23. (1) The Board shall in each year submit to the Minister a report dealing with the general administration and working of this Act.

(2) The Minister shall lay or cause to be laid before each House of Parliament a copy of the report referred to in subsection (1) of this section.

**Directions of
the Board.**

24. If, in any connection with the alterations provided for by this Act to the pensions, benefits or contributions under the repealed Act received or paid immediately before the commencement of this Act, circumstances arise which are not provided for by this Act or any doubt or dispute arises as to what should be done the Board may give direction as to what shall be done and any such direction shall be of the validity as if the matters therein provided for had been provided for in this Act.

PART III

PART III.

CONTRIBUTIONS

DIVISION 1.—CONTRIBUTIONS BY EMPLOYEES GENERALLY.

DIVISION 1.

25. (1) Every employee who was a contributor to the Fund immediately before the commencement of this Act shall, except as otherwise provided in this Act, continue to contribute for the number of units for which he was contributing immediately before that commencement at the rate for each such unit as he was so contributing or at such other rates as may from time to time be fixed by or under this Act.

Contributions.

(2) Except as otherwise provided in this Act every employee who was not a contributor to the Fund immediately before the commencement of this Act shall contribute to the Fund from his payment day which next follows his first entitlement day.

(3) Subject to subsection (4) of this section, the contributions of an employee for any unit shall cease to be paid—

(a) immediately after his pay day next preceding the day upon which he ceases to be an employee ;

or

(b) immediately after the day fixed by the Board as the day upon which his last payment for any unit of pension is to be made,

whichever event first occurs.

(4) Notwithstanding anything in subsection (3) of this section where an employee's payment day, following an entitlement day in consequence of which the employee becomes entitled to contribute for any unit occurs within twelve months before he attains the age of retirement a sum equal to twenty-six fortnightly contributions for that unit shall be paid before that unit of pension shall become payable.

26. (1) In this section "a declared scheme" means a scheme, fund or arrangement for the time being declared to be a declared scheme for the purposes of this Act.

Declared schemes.

(2) The Governor may, by proclamation, declare any scheme, fund or arrangement to or in respect of which the Government of South Australia directly or indirectly makes or is liable to make a payment in respect of any person and from or in respect of which that person or his dependants may expect to derive a benefit, to be a declared scheme for purposes of this Act and the Governor may, by proclamation, revoke such a declaration.

PART III.
DIVISION 1.

(3) Any contributor, who becomes a contributor after the commencement of this Act and makes or is liable to make any contribution in respect of a declared scheme shall, notwithstanding anything in this Act, not be entitled to remain a contributor to the Fund and shall be entitled to receive back from the Fund an amount equal to the amount of the contributions (if any) paid by him less the amount of any pension paid to him under this Act or under the repealed Act and except as prescribed neither he nor his dependants shall be entitled to any further benefit under this Act.

(4) Any contributor who was a contributor before the commencement of this Act and who before that commencement made or was liable to make any contribution in respect of a declared scheme shall, notwithstanding anything in this Act, not be entitled to contribute for a number of units of pension greater than the number of units for which he was contributing immediately before that commencement.

(5) Any contributor to the Fund who was a contributor to the Fund before the commencement of this Act and who on or after that commencement first makes or is first liable to make any contribution in respect of a declared scheme, shall, notwithstanding anything in this Act, not be entitled to remain a contributor to the Fund and shall be entitled to receive back from the Fund any amount equal to the amount of the contribution paid by him less the amount of any pension paid to him under this Act or under the repealed Act and except as prescribed neither he nor his dependants shall be entitled to any further benefit under this Act.

**Certain
employees not
to contribute
to the Fund.**

27. (1) An employee who is not a contributor to the Fund shall not contribute to the Fund unless he is accepted by the Board as a contributor and unless he is of or over the age of twenty years or, being a male under that age he is married.

(2) The Board may inform an employee who is not a contributor to the Fund that, on such evidence as to it seems adequate, it is not satisfied as to the sound health of that employee.

(3) Until an employee referred to in subsection (2) of this section is informed by the Board that the Board is satisfied as to his sound health that employee shall not contribute to the Fund except as provided in subsection (4) of this section.

(4) The Board may in its discretion permit an employee who it has informed pursuant to subsection (2) of this section to contribute to the Fund for such benefits and subject to such conditions as are prescribed for the purposes of this subsection and notwithstanding anything in this Act no pension or benefit shall be payable under this Act to or in relation to that employee otherwise than as is prescribed for the purposes of this subsection.

(5) For the purposes of this Act the permission of the Board given pursuant to subsection (2) of section 23a of the repealed Act shall have effect as if it were the permission of the Board given pursuant to subsection (4) of this section.

(6) Notwithstanding anything in subsection (1) of this section, the board may in its discretion accept as a contributor an employee who has not attained the age of twenty years.

28. (1) The units of pension appropriate to the salary of a contributor shall be in accordance with the following scale less a number of units equal to the number of neglected units (if any) of the contributor :—

Scale of units
of pension.

Scale of Units of Pension

Column One.	Column Two.
Salary of Contributor.	Number of units of pension appropriate to salary.
Not exceeding \$1,025	14
Exceeding \$1,025 but not exceeding \$2,600	14 plus 1 unit for each complete \$75 in excess of \$1,025
Exceeding \$2,600	35 plus 1 unit for each complete \$125 in excess of \$2,600 ; or 1 unit for each \$87 of total annual salary ; whichever is the greater

(2) Subject to this section, a contributor may from time to time by notice in the prescribed form elect to contribute for all of the units appropriate to his salary as and when his entitlement is increased and may at any time by notice in writing in the prescribed form determine such election in respect of any such units for which he may become entitled to contribute after the date of such determination and thereupon for the purposes of this Act that election shall have no further force or effect.

PART III.
DIVISION 1.

(3) If a contributor elects in accordance with subsection (2) of this section he shall, as from the payment day next following the entitlement day in respect of which he became entitled to the additional units, contribute for the units for which he so elected to contribute at such rate specified in Table A, B, C or D in the second schedule to this Act as is appropriate to—

(a) the sex of the contributor ;

(b) the age of retirement of the contributor ;

and

(c) the age of the contributor on the anniversary of his birth next following the last day of the month immediately preceding the month in which that payment day occurs.

(4) For the purposes of this Act, an election made pursuant to subsection (2) of section 24 of the repealed Act and not determined pursuant to that section shall apply and have effect as if it were an election made pursuant to subsection (2) of this section.

**Increase in
entitlement
of certain
contributors.**

29. (1) Where at any time after the commencement of this Act and before the first entitlement day of a contributor to whom this section applies, that contributor or the widow of that contributor becomes entitled to a pension under this Act (not being a pension on retirement or any pension first payable within the period of twelve months preceding the day on which, but for that pension so becoming payable, the contributor would have attained his age of retirement) that pension shall be calculated on the basis that on the day on which the contributor or the widow of the contributor became entitled to that pension the contributor was contributing for the number of units of pension he would have been entitled to contribute for if his entitlement day had occurred immediately before he or his widow became entitled to that pension.

(2) This section applies to a contributor—

(a) who was a contributor to the Fund immediately before the commencement of this Act ;

and

(b) in relation to whom there was in force immediately before the time he or his widow became entitled to a pension an election made pursuant to subsection (2) of section 28 of this Act.

30. (1) The number of units for which a contributor is from time to time entitled to contribute shall be calculated by reference to the number of units appropriate to his salary on each of his entitlement days.

(2) Where in consequence of a reference referred to in subsection (1) of this section a contributor becomes entitled to contribute for—

(a) some units ;

or

(b) a number of units over and above the number of units for which he was previously contributing,

he shall commence contributing for those units or additional units, as the case may be, on the payment day next following the entitlement day in respect of which the reference was made.

(3) Where at any time during the period commencing on and including his entitlement day and concluding on and including his payment day next following that entitlement day a contributor, who has elected or is required by this Act to contribute for the units to which he became entitled to contribute for on that entitlement day, or the widow of that contributor becomes entitled to a pension under this Act (not being a pension on retirement or any pension first payable within the period of twelve months preceding the day on which, but for that pension becoming payable, the contributor would have attained his age of retirement) that pension shall be calculated on the basis that on the day on which the contributor or the widow of the contributor became entitled to the pension the contributor was contributing for the number of units he was entitled to contribute for on that entitlement day.

31. (1) Where, within the period of twelve months next following his entitlement day, a contributor to whom this section applies or the widow of that contributor becomes entitled to a pension under this Act (not being a pension on retirement or any pension first payable within the period of twelve months preceding the day on which, but for that pension so becoming payable, the contributor would have attained his age of retirement) that pension shall be calculated on the basis

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that on the day on which the contributor or the widow of the contributor became entitled to that pension the contributor was contributing for the number of units of pension he would have been entitled to contribute for if his entitlement day had occurred immediately before he or his widow became entitled to that pension.

(2) This section applies to a contributor in relation to whom there was in force immediately before the time he or his widow became entitled to the pension there was an election made pursuant to subsection (2) of section 28 of this Act.

New entrants.

32. If during the period commencing on and including the day on which a contributor (who has elected pursuant to this Act to contribute for all of the units appropriate to his salary on his first entitlement day) is accepted by the Board as a contributor to the Fund and concluding on the entitlement day of that contributor next following, an event occurs that, had that contributor been actually contributing to the Fund, would have entitled that contributor or his widow to a pension under this Act, then that pension shall be payable and shall be calculated on the basis that the contributor was at the time the event occurred contributing for the units he would have been entitled to contribute for if his entitlement day had occurred immediately before that event.

Increase in salary in year before retirement.

33. (1) Where, within the twelve months immediately preceding the attainment of the age of retirement in respect of which the contributor was contributing, the salary of a contributor is increased to an extent which would, on his next entitlement day or on the day, which had he not retired, would have been his next entitlement day, entitle the contributor to contribute for an additional number of units—

(a) the contributor shall be entitled to receive on retirement the additional pension represented by those additional units ;

or

(b) any pension first payable to the contributor or to the widow of the contributor within that period shall be increased by the additional number of units or a widow's proportion of the additional number of units, as the case requires ;

if there is paid to the Fund a sum, in the opinion of the Board, equal to twenty-six fortnight's contributions for each such additional unit calculated on the basis that the day on which the increase of salary was payable was his payment day.

(2) Where a contributor will attain his age of retirement within the period of twelve months next following the commencement of this Act and on his entitlement day or on the day that would have been his entitlement day if he had not so attained his age of retirement the contributor became entitled or would have become entitled to contribute for an additional number of units—

(a) the contributor shall be entitled to receive on retirement the additional pension represented by those units ;

or

(b) any pension first payable to the contributor or to the widow of the contributor within that period shall be increased by the additional number of units or widows proportion of the additional number of units, as the case requires,

if there is paid into the Fund a sum, in the opinion of the Board, equal to twenty-six fortnightly contributions for each such additional unit calculated on the basis that the day on which this Act commenced was his payment day.

34. (1) An employee, who is accepted by the Board as a contributor after the commencement of this Act, shall on and from his payment day next following his first entitlement day after he was so accepted, contribute for not less than ten units.

New contributors.

(2) An employee referred to in subsection (1) may, by notice delivered to the Board not later than the last day of the month next succeeding the month in which he was so accepted, elect to contribute for all of the units appropriate to his salary on his first entitlement day and subsection (2) of section 28 of this Act shall apply and have effect to and in relation to that election as if it were an election made pursuant to that subsection.

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Election for
additional
units.

35. (1) Where the entitlement of a contributor is increased and in relation to that contributor there is not in force an election under subsection (2) of section 28 of this Act he may elect to contribute from his payment day for all or some of the additional units to which he became entitled on his entitlement day.

(2) An election pursuant to subsection (1) of this section shall be made not later than the last day of the month next succeeding the month in which the entitlement day, by reference to which the contributor's entitlement was increased, occurred.

(3) In this section "additional units" in relation to a contributor means the difference between the number of units appropriate to his salary before his entitlement was increased and the number of units appropriate to his salary after his entitlement was increased.

(4) Nothing in this section shall entitle any contributor to contribute for units in excess of the number appropriate to his salary.

Mode of
election and
effect of
not making
an election.

36. (1) Every election to contribute for units which may be made under this Act shall be made by a written document delivered to the Board.

(2) If an employee who has the right to make an election does not make it within the period prescribed in relation to that election or where there is no such period prescribed then within the period prescribed in relation to elections generally he shall be deemed, on the last day of whichever of the prescribed periods is appropriate, to have elected not to contribute for any of the units for which he could have elected to contribute by that election.

(3) Notwithstanding anything in this section, the Board may in its absolute discretion and upon such terms and conditions as it thinks just accept an election, to contribute for units, made by a person who has failed through inadvertance to make such an election within the appropriate prescribed period, if the Board is satisfied that in all the circumstances of the case it is desirable that the election should be accepted.

37. (1) Except as provided in subsection (2) of this section a contributor shall not be entitled to contribute for any unit represented by a neglected unit.

(2) The Board may, in its absolute discretion and subject to such conditions as to it seems fit permit a contributor to contribute for a number of units equal to some or all of his neglected units.

(3) Any unit, for which permission has pursuant to this section been given to contribute, shall be contributed for from the payment day next following the granting of that permission at such rate specified in Table A, B, C or D in the second schedule to this Act as is appropriate to—

(a) the sex of the contributor ;

(b) the age of retirement of the contributor ;

and

(c) the age of the contributor on the anniversary of his birth next following the last day of the month immediately preceding the month in which that payment day occurs.

(4) For the purposes of this Act a contributor's neglected units shall be reduced by a number of units equal to the number of units he contributes for pursuant to this section.

38. (1) If the salary of a contributor is, by reason of his misconduct or default, reduced and the contributor was, before that reduction, contributing for a pension which when expressed in terms of units of two dollars per fortnight is the equivalent of a number of units greater than the number of units appropriate to his salary as reduced, the number of units for which he may contribute shall be reduced to the number appropriate to his salary as reduced.

Contributions
on reduction
of salary.

(2) Where a reduction of salary occurs for any reason other than the misconduct or default of the contributor and the contributor was, before that reduction contributing for a pension which when expressed in terms of units of two dollars per fortnight is the equivalent of a number of units greater than the number of units appropriate to his salary as reduced then the contributor may elect to—

(a) continue to contribute for the number of units for which he was contributing before that reduction ;

or

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(b) contribute for the number of units appropriate to his salary as reduced,

and an election under this subsection shall be made before the expiration of two months after the day on which the reduction in his salary occurred.

(3) Where a contributor does not make an election referred to in subsection (2) of this section within the period referred to in that subsection he shall be deemed to have elected to continue to contribute for the number of units for which he was contributing before that reduction.

(4) An amount calculated by the Public Actuary as being an amount equal to the surrender value of the number of units in excess of the number of units calculated in accordance with subsection (1) or subsection (2) of this section, as the case requires, appropriate to the salary, as reduced, of the contributor shall be paid from the Fund to the contributor.

(5) Where pursuant to this section a contributor elects to contribute for a reduced number of units his contributions for those reduced number of units shall be deemed to have taken effect from his payment day next preceding the day on which his salary was reduced.

**Temporary
transfer of
contributors.**

39. (1) Where a contributor is temporarily transferred to the service of a prescribed authority—

(a) his service with that authority shall be counted as and deemed to be continuous with his service for the purposes of this Act ;

and

(b) his remuneration on account of his service with that authority shall be deemed to be his salary for the purposes of this Act.

(2) For the purposes of this section a “prescribed authority” means—

(a) the Public Service of the Commonwealth ;

(b) the Public Service of a State or Territory of the Commonwealth ;

or

(c) any organization for the time being declared by the Board pursuant to subsection (3) of this section to be a prescribed authority for the purposes of this Act.

(3) The Board may with the approval of the Treasurer by notice in writing declare any organization whether or not of the same kind as the organizations referred to in paragraphs (a) and (b) of subsection (2) of this section to be a prescribed authority for the purposes of this Act and may with the approval of the Treasurer by notice in writing revoke any such declaration and upon such revocation that organization shall cease to be a prescribed authority for the purposes of this Act.

(4) The provisions of this section shall apply and shall be deemed always to have applied to a contributor to the Fund who was temporarily transferred to the service of a prescribed authority within the meaning of paragraph (a) or (b) of the definition of the expression before the commencement of this Act.

40. (1) Where a contributor to the Fund has been granted leave of absence for the purposes of enabling him to serve in the naval, military or air force of the Commonwealth during any war or warlike operations in which the Commonwealth is engaged and the Board is of the opinion that the contributor, if he has not been granted the leave, would, during the period of the leave, have become entitled to contribute for a number of units of pension over and above the number of units of pension to which he was contributing immediately before the grant of that leave, the contributor shall have the same right to contribute for that number of units as if he had in fact become entitled to so contribute.

Members of
the forces.

(2) Notwithstanding anything in this Act, where a contributor referred to in subsection (1) of this section had become entitled to contribute for a number of units of pension over and above the number of units of pension to which he was contributing immediately before the grant of leave referred to in that subsection, would have been required to elect to contribute for those units, he shall be deemed to have elected to contribute for those units unless not later than three months after the completion of the period of leave of absence he notifies the Board that he does not elect to contribute for those units.

41. (1) Where a contributor satisfies the Board that continued contributions for the number of units for which he is contributing will cause him undue hardship the Board may permit the contributor to surrender some or all of the units in excess of ten for which he was contributing.

Surrender of
units in excess
of ten.

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(2) An amount calculated by the Public Actuary as being an amount equal to the surrender value of the units surrendered under this section shall be refunded from the Fund to the contributor.

**Marriage of
female con-
tributor.**

42. A contributor who is female and who marries may, at any time after her marriage, elect to cease to be a contributor to the Fund and upon such an election—

(a) she shall cease to be a contributor to the Fund ;

and

(b) there shall be paid to her from the Fund a sum equal to the amount of contributions actually paid by her to the Fund.

DIVISION 2.

DIVISION 2.—SCALE OF CONTRIBUTIONS BY EMPLOYEES.

**Amount of
contributions.**

43. The amount of contribution which shall be paid by an employee shall, except where otherwise provided in this Act, be based upon—

(a) the number of units of pension in respect of which the employee contributes ;

(b) the sex of the employee ;

(c) the age of the employee on the anniversary of his birth next following the last day of the month immediately preceding the month in which the first payment day in respect of the unit occurs ;

and

(d) the age of retirement for which the contributor is contributing,

and shall be in accordance with the tables of contributions from time to time provided for by or under this Act.

**Scale of
contributions.**

44. Subject to this Act, contributions for units first contributed for after the commencement of this Act shall be—

(a) in the case of a male contributor contributing for retirement at age sixty-five, in accordance with Table A in the second schedule to this Act ;

- (b) in the case of a female contributor contributing for retirement at age sixty, in accordance with Table B in the second schedule to this Act ;
- (c) in the case of a male contributor contributing for retirement at age sixty, in accordance with Table C in the second schedule to this Act ;
- and
- (d) in the case of a female contributor contributing for retirement at age fifty-five, in accordance with Table D in the second schedule to this Act.

DIVISION 3.—RESERVE UNITS OF PENSION.

DIVISION 3.

45. In this Division “the specified rate” means the rate of interest specified annually by the Board to be the specified rate of interest for the purposes of this Division.

“Specified rate.”

46. (1) The reserve units of pension account established under the repealed Act shall continue in existence under this Act.

Reserve units of pension account.

(2) All contributions made by contributors under this Division shall be credited to the reserve units account.

(3) The moneys from time to time standing to the credit of the reserve units account shall form part of the Fund.

47. (1) Subject to this section a contributor may from time to time elect to contribute for one or more reserve units of pension as and from his payment day next following that election.

Contributions for reserve units of pension.

(2) The number of reserve units of pension for which a contributor shall be entitled to contribute, when aggregated with the number of reserve units (if any) for which the contributor has at any time, before or after the commencement of this Act contributed, shall not exceed sixteen.

(3) Contributions in respect of reserve units of pension which were contributed for immediately before the commencement of this Act shall except as otherwise provided in this Act continue to be contributed for at the rate they were contributed for immediately before that commencement.

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(4) Contributions in respect of reserve units of pensions which were first contributed for after the commencement of this Act shall be at such rate specified in Table A, B, C or D in the second schedule to this Act as is appropriate to—

- (a) the sex of the contributor ;
- (b) the age of retirement of the contributor ;
- and
- (c) the age of the contributor on the anniversary of his birth next following the last day of the month immediately preceding the month in which the payment day, in respect of which the election is made, occurs,

and shall be payable on and from that payment day.

(5) Contributions in respect of reserve units whether commenced before or after the commencement of this Act shall be credited annually with interest at the specified rate.

(6) Contributions in respect of reserve units of pension whether commenced before or after the commencement of this Act shall on that commencement be payable in the same way and at the same times as contributions for other units.

**Transfer of
contributions.**

48. (1) Where a contributor who is contributing for one or more reserve units of pension (whether or not contributions for some or all of those reserve units of pension commenced before the commencement of this Act) and has elected to contribute for one or more additional units of pension pursuant to this Act he may elect that the contributions paid by him in respect of a number of reserve units of pension not exceeding the number of those additional units of pension shall be treated as contributions for the additional unit or units to be contributed for.

(2) Where a contributor so elects—

- (a) no further contributions shall be paid in respect of the reserve units of pension to which the election applies;
- and
- (b) the contributions payable by the contributor in respect of so many of the additional units of pension as is equal to the number of reserve units of pension to which the election referred to in subsection (1) of this section relates shall be at the same rate or rates as the contributions paid in respect of those reserve units of pension.

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(3) Where the contributor is contributing for reserve units of pension and his election under this section does not apply to all the reserve units for which he is contributing, that election shall apply to those reserve units in the order for which they were contributed for, commencing with the unit or units for which contributions were first commenced.

49. (1) A contributor who has contributed for any reserve unit for a period in excess of five years may elect to discontinue his contributions for that reserve unit.

Election to discontinue contributions for reserve units.

(2) Where a contributor makes an election referred to in subsection (1) of this section he shall be paid from the Fund the amount of the contributions already made by him in respect of those reserve units of pension together with compound interest on those contributions at the specified rate from the respective dates of payment of those contributions.

(3) Where a contributor had commenced to contribute for reserve units at different times and his election under this section does not apply to all the reserve units for which he is contributing that election shall apply to those units in the order for which they were contributed for, commencing with the units for which contributions were last commenced.

50. Where a contributor who is contributing for one or more reserve units of pension ceases to be an employee there shall be paid to him from the Fund the amount of his contribution for reserve units together with compound interest at the specified rate from the respective dates of payment of those contributions.

Contributor ceasing to be employee.

DIVISION 4.—CONTRIBUTIONS BY THE GOVERNMENT.

DIVISION 4.

51. (1) In respect of each unit of pension paid from the Fund the Government shall make a contribution to the Fund calculated in accordance with the rules prescribed by regulations under this Act.

Payments by the Government.

(2) The regulations may from time to time vary the contributions in accordance with the changes in the benefits, contributions by employers, or other circumstances affecting the Fund.

(3) Payment by the Government to the Fund for the purposes of this Act shall be made from the General Revenue of the State which is hereby and to the necessary extent appropriated accordingly.

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(4) The payments shall be made in such manner and at such periods as are prescribed.

DIVISION 5.

DIVISION 5.—GENERAL PROVISIONS AS TO CONTRIBUTIONS.

Employees on
leave of
absence.

52. (1) A contributor who is on leave of absence either with or without pay shall pay his contributions during or in respect of the period of leave, as for a period of service, without reduction.

(2) Where a contributor referred to in subsection (1) of this section has not paid his contributions for a period of six months or more the Board may by notice published in the *Gazette* declare that the contributor has ceased to be a contributor for the purposes of this Act and upon the publication of that notice—

(a) the contributor shall be entitled to payment from the Fund of an amount equal to the amount of the contributions paid by him to the Fund less the amount of any pension paid under this Act or under the repealed Act to the contributor ;

and

(b) neither he nor his dependants shall be entitled to any further pension or benefit under this Act.

Mode of
payment.

53. (1) Subject to this section, contributions of every contributor shall be deducted from his salary for each pay period and shall be paid without deduction for postage, forwarding or exchange to the Board.

(2) Where a contributor is on leave of absence through illness either without pay or on less than full pay the Board may on his application permit the contributions falling due during his absence to be paid by him in such smaller sums and at such periods as the Board approves.

(3) Any contribution of a contributor which is in arrear other than a contribution being paid in accordance with the permission of the Board granted under subsection (2) of this section shall bear compound interest at such rate not exceeding five per centum per annum as the Board considers appropriate.

PART IV.

PART IV.

PENSIONS AND BENEFITS.

DIVISION 1.—RETIREMENT ON PENSION.

DIVISION 1.

54. (1) In this Part unless the contrary intention appears— Definitions.

“dismissal” in relation to a contributor means compulsory termination of the service of that contributor, however expressed, other than—

- (a) such a compulsory termination which is pursuant to subsection (3) of this section deemed to be retirement on pension ;
- (b) retirement through invalidity or mental or physical incapacity ;
- or
- (c) retrenchment or discharge :

“resignation” in relation to a contributor means the voluntary termination of the service of the contributor, however expressed, unless that termination is by way of retirement on a pension.

(2) For the purposes of this Part and except as provided in subsection (3) of this section the compulsory termination of the service of a contributor for the reason that his service or position is not necessary or for the reason that the work for which he was engaged is finished or for the reason that the quantity of work has diminished and has rendered necessary a reduction in the number of employees—

- (a) shall be deemed to be “retrenchment” if the contributor has had not less than ten years’ service whether continuous or not ;

and

- (b) in any other case, shall be deemed to be “discharge”.

(3) Where the service of a contributor is compulsorily terminated in any of the circumstances referred to in subsection (2) of this section and that contributor has attained the age of retirement then notwithstanding anything in this Act that contributor shall be entitled to a pension on his retirement.

55. (1) An employee may, at the time he becomes a contributor, elect to make contributions in accordance with either Table C or Table D as is appropriate to the sex of the employee based on a retiring age of sixty years if a male or fifty-five years if a female.

Age of early retirement.

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(2) An employee who has made an election pursuant to subsection (1) of this section and who becomes a contributor shall contribute to the Fund at whichever of the rates that are set out in Table C or Table D of the second schedule to this Act as are appropriate to the sex and age of the employee.

(3) A contributor may at any time before he attains the age of sixty years if a male or fifty-five years if a female elect to have his contributions adjusted to a rate based on a retiring age of sixty years if a male or fifty-five years if a female.

(4) Where an election has been made pursuant to subsection (3) of this section the Board shall make such adjustments and require such increased payments of contributions in respect of all units including reserve units, if any, being contributed for at the time as the Public Actuary certifies to be necessary.

(5) Contributions for any additional units, for which a contributor who has elected pursuant to subsection (3) of this section may elect to contribute, shall be contributed for at whichever of the rates set out in Table C or Table D of the second schedule to this Act is appropriate to the sex and age of the contributor.

(6) For the purposes of this section—

(a) an election made by an employee pursuant to subsection (1) of section 75d of the repealed Act shall have effect as if it were an election made pursuant to subsection (1) of this section ;

and

(b) an election made by a contributor pursuant to subsection (2) of section 75d of the repealed Act shall have effect as if it were an election made pursuant to subsection (3) of this section.

**Service after
age of early
retirement.**

56. (1) Except as provided in subsection (4) of section 25 of this Act a contributor who on or after becoming a contributor has made an election pursuant to section 55 of this Act and who—

(a) being a male does not retire upon attaining the age of sixty years ;

or

(b) being a female does not retire upon attaining the age of fifty-five years,

shall not upon attaining the age of sixty years or fifty-five years, as the case may be, be required to make any further contributions in respect of the units of pension for which he was contributing but he shall not be entitled to receive any pension in respect of those units until he or she retires.

(2) Where a contributor referred to in subsection (1) of this section retires—

(a) in the case of a male contributor, after attaining the age of sixty-one years ;

or

(b) in the case of a female contributor, after attaining the age of fifty-six years,

there shall be paid out of the Fund to that contributor on his retirement in addition to his pension such amount as is determined by the Board having regard to the length of the period during which his contributions have remained in the Fund and to the length of the period during which payment of the proportion of pension relating to those contributions has been postponed.

(3) Where a contributor referred to in subsection (1) of this section dies before retirement and—

(a) in the case of a male contributor, after attaining the age of sixty-one years ;

or

(b) in the case of a female contributor, after attaining the age of fifty-six years,

then subsection (2) of this section shall have effect as if the contributor had retired immediately before he died and the payment required to be made by that subsection shall be made to his widow, personal representatives or such other person or persons as the Board determines.

57. A contributor or employee who has elected pursuant to section 55 of this Act and who does not retire on attaining the age of retirement and whose salary is after his age of retirement increased so as to entitle him to contribute for a number of units over and above the number of units of pension to which he was entitled on his attaining the age of retirement may elect to contribute for those units but in respect of a pension on retirement represented by those units his age of retirement shall be deemed to be sixty-five years in the case of a male and sixty years in the case of a female and his contributions shall be fixed accordingly.

Additional
contributions
by certain
persons.

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DIVISION 1.
Pension on
retirement.

58. (1) Every contributor who—

(a) has had not less than ten years' service whether or not that service is continuous or who has been exempted from the provision of this paragraph ;

and

(b) has attained the age of retirement,

shall be entitled to a pension on his retirement calculated in accordance with section 60 of this Act.

(2) Every contributor who—

(a) has had not less than ten years' service whether or not that service is continuous or who has been exempted from the provisions of this paragraph ;

(b) has not attained the age of retirement ;

and

(c) has attained—

(i) in the case of a male, the age of sixty years ;
or

(ii) in the case of a female, the age of fifty-five years,

shall be entitled to a pension on retirement calculated in accordance with whichever of sections 61 or 62 of this Act is applicable or at his option, in lieu of that pension, a refund from the Fund of an amount equal to the amount of his contributions to the Fund less the amount of any pension paid to him under this Act or under the repealed Act and on that refund being made neither the contributor or any dependant of the contributor shall be entitled to any further benefit under this Act.

Exemption
from the
requirement
of ten
years' service.

59. (1) The Public Service Board may certify that in its opinion a contributor should be exempted from the requirements of paragraph (a) of subsection (1) or paragraph (a) of subsection (2) of section 58 of this Act and in that case whichever of those paragraphs as would otherwise apply shall not apply to or in relation to that contributor.

(2) A certification by the Public Service Commissioner or the Public Service Board pursuant to section 34 of the repealed Act shall for the purposes of this Act have effect as if it were a certification of the Public Service Board pursuant to this section.

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60. Except as otherwise provided in this Act, a contributor shall on retirement be entitled to receive a pension according to the number of units for which he was contributing at the time of his retirement.

Amount of pension on retirement.

61. (1) A contributor referred to in subsection (2) of section 58 of this Act shall, subject to section 62 of this Act, as from the day of his retirement be entitled to a pension which is the actuarial equivalent of the contributions made or to be made by him and of the contributions to the Fund which would have been made by the Government if the Government had during the period throughout which the contributor had been contributing to the Fund been making such periodical contributions to the Fund as are necessary to provide for the share of pension payable by the Government.

Amount of pension on premature retirement.

(2) For the purpose of calculating the actuarial equivalent of the contributions referred to in subsection (1) of this section it will be assumed that contributions were paid by the contributor during the period, if any, during which the contributor has been paid a pension under section 65 of this Act or under section 40 of the repealed Act.

(3) In this section "periodical contributions" means contributions made from time to time on each occasion when a contribution is deducted from the salary of the contributor or made by the contributor in any other way.

62. A contributor referred to in subsection (2) of section 58 of this Act may prior to his retirement contribute or enter into such arrangements to contribute as the Board approves, such amounts as the Board considers appropriate to enable payment to him on retirement of a pension in excess of that to which he is entitled pursuant to subsection (1) of section 61 of this Act but so that the total amount of his fortnightly pension is not greater than the fortnightly pension that he would have been paid if he had attained his age of retirement and had retired.

Increase of pension on premature retirement.

DIVISION 2.—GRANT OF PENSION AND BENEFITS

DIVISION 2.

63. Except as otherwise provided by this Act, any person who, immediately before the commencement of this Act, was in receipt of a pension pursuant to the repealed Act shall continue to receive that pension at the rate provided for by the repealed Act as in force immediately before the commencement of this Act.

Pensioner under repealed Act.

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DIVISION 2.

**Amount of
unit of
pension.**

64. (1) Except as otherwise provided in this Act, the amount of any unit of pension first contributed for before the commencement of this Act shall be the amount of that unit of pension determined pursuant to the repealed Act as in force immediately before that commencement.

(2) The amount of any unit of pension first contributed for after the commencement of this Act shall be two dollars per fortnight.

**Retirement
through
invalidity,
amount of
pension.**

65. Where a contributor is retired on the ground of invalidity or physical or mental incapacity to perform his duties he shall—

(a) if the invalidity or incapacity was not due to his own fault, be entitled to the full pension for which he was contributing or for which for the purpose of calculating a pension under this Act he was regarded as contributing ;

and

(b) if the invalidity or incapacity was due to his own fault, be entitled to a pension which is the actuarial equivalent of the contributions made by him up to the time of his retirement or at his option to a refund of the actual amount of contributions made by him up to the time of his retirement less the actual amount of the pension, if any, received by him under this section or under section 40 or section 47 of the repealed Act.

**Right of
certain female
pensioners on
invalidity.**

66. (1) Where a female employee is pursuant to paragraph (a) of section 65 of this Act entitled to a pension and that employee is on her entitlement married or that employee marries after becoming so entitled, that employee may at any time apply for payment out of the Fund of an amount equal to the total of all contributions actually made by her to the Fund less the amount of pension actually received by her pursuant to section 65 of this Act and upon such payment her entitlement to the pension shall cease and determine and neither she nor her dependants shall be entitled to any further benefit under this Act.

67. (1) Subject to subsection (2) of this section on the death of a male contributor before retirement, pension shall be paid to his widow as follows—

Pension to
widow and
children on
death of
contributor.

(a) during her own life thirteen-twentieths of the pension for which her husband was contributing or was for the purposes of this Act regarded as contributing at the time of his death ;

and

(b) in respect of each of her or the contributor's children (except children of her remarriage) who are—

(i) under the age of sixteen years ;

or

(ii) student children,

a pension at the rate of eight dollars per fortnight until the child attains the age of sixteen years or, as the case may be, ceases to be a student child.

(2) A pension payable under paragraph (a) of subsection (1) of this section shall cease and determine on the remarriage of the widow to whom it was payable but if she again becomes a widow the pension payable to her before her remarriage shall subject to subsection (3) of this section again become payable.

(3) Where the remarriage referred to in subsection (2) of this section was to a contributor and the widow referred to in that subsection becomes the widow of that contributor whether before or after his retirement and her pension in respect of that contributor is greater than the pension which would again become payable pursuant to that subsection then the widow shall be entitled to receive the pension in respect of that contributor in substitution for the pension payable pursuant to that subsection.

(4) On and after the commencement of this Act the rate of pension payable in respect of a child referred to in paragraph (b) of subsection (1) of section 42 of the repealed Act and in relation to whom a pension was payable immediately before that commencement shall be eight dollars per fortnight until that child attains the age of sixteen years or, as the case may be, ceases to be a student child.

PART IV.
 DIVISION 2.
 Pension to
 widow and
 children on
 death of
 pensioner.

68. (1) Subject to subsection (3) of this section on the death of a male pensioner, pension shall be paid to his widow as follows—

(a) during her own life, thirteen-twentieths of the pension payable to her husband at the time of his death or pension at the rate of five dollars and twenty cents per fortnight whichever sum is the greater ;

and

(b) in respect of each of her or the contributor's children (except children of her remarriage) who are—

(i) under the age of sixteen years ;

or

(ii) student children,

a pension at the rate of eight dollars per fortnight until the child attains the age of sixteen years, or, as the case may be, ceases to be a student child.

(2) On and after the commencement of this Act the rate of pension payable in respect of a child referred to in paragraph (b) of subsection (1) of section 43 of the repealed Act, and in relation to whom a pension was payable immediately before that commencement, shall be eight dollars per fortnight until that child attains the age of sixteen years or, as the case may be, ceases to be a student child.

(3) Where a pensioner marries, a pension shall not, upon the death of the pensioner, be payable to the widow or in respect of the children of that marriage.

(4) A pension payable under paragraph (a) of subsection (1) of this section shall cease and determine on the remarriage of the widow to whom it was payable but if she again becomes a widow the pension payable to her before her remarriage shall subject to subsection (5) of this section again become payable.

(5) Where the remarriage referred to in subsection (4) of this section was to a contributor and the widow referred to in that subsection becomes the widow of that contributor whether before or after his retirement and her pension in respect of that contributor is greater than the pension which would again become payable pursuant to that subsection then the widow shall be entitled to receive the pension in respect of that contributor in substitution for the pension payable pursuant to that subsection.

(6) Where a male pensioner dies leaving a widow the Board may pay to her any balance of her husband's pension accrued in respect of any period before his death.

PART IV.
DIVISION 2.Benefits for
children of
female
contributors
and certain
pensioners.

69. (1) On the death of a female, whose husband is dead or divorced, and who was immediately before her death a pensioner under section 58 or 65 of this Act or a contributor there shall be payable in respect of each of her children born before she commenced to contribute and who were, at the time of her death—

(a) under the age of sixteen years ;

or

(b) student children,

a pension at the rate of twelve dollars per fortnight until the child attains the age of sixteen years or, as the case may be, ceases to be a student child.

(2) On and after the commencement of this Act the rate of pension payable in respect of a child referred to in section 43a of the repealed Act and in respect of whom a pension was payable pursuant to that section immediately before that commencement shall pay twelve dollars a fortnight until that child attains the age of sixteen years or, as the case may be, ceases to be a student child.

(3) A pension payable under subsection (1) of this section may be paid to the guardian of the child and shall be used for the support and education of the child.

70. (1) On the death of a male contributor or a male pensioner whose wife is dead or divorced there shall be payable in respect of each of the children of himself or his wife who were at the time of his death—

Pensions to
certain
children on
death of
contributor
or pensioner.

(a) under the age of sixteen years ;

or

(b) student children,

a pension at the rate of twelve dollars per fortnight until the child attains the age of sixteen years or, as the case may be, ceases to be a student child.

(2) On and after the commencement of this Act the rate of pension payable in respect of a child referred to in subsection (1) of section 44 of the repealed Act and in respect of whom a pension was payable pursuant to that section immediately before that commencement, shall be twelve dollars a fortnight until the child attains the age of sixteen years or, as the case may be, ceases to be a student child.

PART IV.**DIVISION 2.**

(3) A pension payable under this section may be paid to the guardian of the child and shall be used for the support and education of the child.

Payments by
the Board in
respect of
orphan
children.

71. (1) Where in relation to any contributor or pensioner referred to in section 69 or 70 of this Act or a contributor or pensioner referred to in section 43a or section 44 of the repealed Act the benefit paid does not exceed the total contributions paid to the Fund by that contributor or pensioner the Board shall pay an amount equal to the difference between that benefit and those contributions to some person approved by the Board for the support or education of the children of the contributor or pensioner or, as the case may be, the children of the wife of the contributor or the pensioner.

(2) Where the amount paid pursuant to subsection (1) of this section is paid to the Public Trustee, the Public Trustee shall have power to accept the amount and apply it for the support or education of the children referred to in that subsection.

(3) In this section the expression "benefit paid" in relation to a contributor or pensioner means the total amount of pension paid to that pensioner together with the total of the amount of pension paid under either section 69 or section 70 of this Act or under section 43a or section 44 of the repealed Act in respect of the children or of that contributor or pensioner or, as the case may be, the children of the wife of that contributor or pensioner.

Refund of
contributions
on death
before
retirement.

72. (1) On the death before retirement of a contributor without dependants there shall be paid to his personal representatives or failing them to such persons as the Board determines a sum equal to the amount of his actual contributions under this Act less the amount of any pension paid to him under this Act or under the repealed Act.

(2) In this section the expression "a contributor without dependants" means a contributor in respect of whose dependants, if any, there is no pension or other benefit payable under this Act.

Payment
where
contributions
exceed
benefits.

73. Where—

(a) a pensioner or the widow of a contributor or pensioner has died without leaving any dependant entitled to a pension or benefits under any other provision of this Act ;

and

- (b) the total amount of all pensions paid to the pensioner and the widow and in respect of any children of the pensioner or widow, whether under this Act or under the repealed Act, is less than the total amount of the contributions paid to the Fund by the pensioner or contributor,

the Board shall pay the amount by which the said contributions exceed the said pensions to the personal representative of the deceased pensioner or of the deceased widow of the contributor or pensioner or failing them to such person or persons as the Board approves.

74. (1) Where the widow of a deceased male contributor or pensioner dies leaving children of her own (not being children of her remarriage after entering upon pension) or of her husband who are—

Pension to
orphans upon
death of
widow or
pensioner

- (a) under the age of sixteen years ;
or
(b) student children,

the pension payable in respect of those children after the death of the widow shall be at the rate of twelve dollars per fortnight in respect of each child until the child attains the age of sixteen years or, as the case may be, ceases to be a student child.

(2) On and after the commencement of this Act the rate of pension payable in respect of a child referred to in subsection (1) of section 49 of the repealed Act and in respect of whom a pension was payable pursuant to that section immediately before that commencement shall be twelve dollars per fortnight until that child attains the age of sixteen years or, as the case may be, ceases to be a student child.

(3) Where—

- (a) the widow of a deceased male contributor or pensioner has died leaving children of her own (not being the children of her remarriage after entering upon pension) or of her husband, who were under the age of sixteen years or student children at the time of her death ;
(b) all such children have attained the age of sixteen years or, as the case may be, ceased to be student children ;
and
(c) the total amount of any pension paid to the contributor or pensioner and to his widow and in respect of the

PART IV.
DIVISION 2.

children whether under this Act or under the repealed Act is less than the total amount of contributions paid to the Fund by the contributor or pensioner,

the Board shall pay a sum equal to the amount by which the said pensions are less than the said contributions to the guardian of the children or to some other person approved by the Board to be used for the support or education of the children.

(4) Where the amount paid pursuant to subsection (3) of this section is paid to the Public Trustee, the Public Trustee shall have power to accept the amount and apply it for the support and education of the children referred to in that subsection.

Retrenchment
of a
contributor,
choice of
benefits.

75. (1) On retrenchment a contributor shall be entitled to receive the contributions paid by him and the actuarial equivalent of the contributions which would have been paid by the Government, if the Government had during the period throughout which the contributor had been contributing to the Fund been making such periodical contributions as are necessary to provide for the share of the pension payable by the Government.

(2) For the purpose of calculating the actuarial equivalent of the contributions referred to in subsection (1) of this section it will be assumed that contributions were paid by the contributor during the period, if any, during which the contributor has been paid a pension under section 65 of this Act or under section 40 of the repealed Act.

(3) In this section the expression "periodical contributions" means contributions made from time to time on each occasion when a contribution is deducted from the salary of a contributor or made by the contributor in any other way.

(4) Within one month after his retrenchment the contributor may choose to receive payment in the form of a lump sum or as a pension and in default of such choice the Board shall determine in what form payment shall be made.

(5) Where an employee who has been retrenched again becomes an employee the following provisions shall apply—

(a) any pension payable pursuant to this section shall continue to be payable ;

and

(b) he shall if eligible contribute to the Fund as provided in this Act,

but except as provided in subsection (6) of this section he shall not be entitled to any further benefit in respect of the service in relation to which a pension is payable or, as the case may be, a lump sum has been paid.

(6) Notwithstanding anything in subsection (5) of this section regard may be had to any previous service of an employee referred to in that subsection who is on or after the commencement of this Act an employee for the purpose of determining whether or not that employee has had ten years' service for the purpose of qualifying for a pension on retirement.

76. (1) Subject to subsection (2) of this section where a contributor resigns or is dismissed or discharged there shall be paid to him the amount of the contributions actually paid by him to the Fund less the amount of any pension paid to him under this Act or under the repealed Act.

Resignation,
dismissal or
discharge.

(2) If at the time of the resignation, dismissal or discharge of the contributor the contributor was indebted to the Government or to the Fund for any moneys or the contributor had misappropriated any money or property, the amount of the contributions referred to in subsection (1) of this section or any part of that amount may be applied by the Board in payment of the amount for which the contributor was indebted to the Government or the Fund or, as the case requires, in making good that misappropriation.

(3) Where a resignation, dismissal or discharge referred to in subsection (1) of this section does not take effect until the expiration of a period of leave of absence the Board may at the written request of the contributor to the Board pay the contributor the amount payable pursuant to subsection (1) of this section.

(4) Where an amount payable pursuant to subsection (1) of this section has been paid to a contributor, no pension or other benefit under this Act shall be payable to or in respect of that contributor.

(5) Where any contributor who has received a payment pursuant to this section again becomes an employee he shall if eligible contribute to the Fund as provided in this Act but except as provided in subsection (6) of this section he shall not be entitled to any further benefit in respect of the service in relation to which he has received such payment.

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DIVISION 2.

(6) Notwithstanding anything in subsection (5) of this section regard may be had to any previous service of an employee referred to in that section who is on or after the commencement of this Act an employee for the purpose of determining whether or not that employee has had ten years' service for the purpose of qualifying for a pension on retirement.

Desertion
of wife
or child by
pensioner.

77. (1) Where a male pensioner deserts his wife, the wife may from time to time apply to any court of summary jurisdiction and on proof of such desertion the court may order the payment during such period as it thinks desirable of pension in accordance with the provisions of section 68 of this Act as if the pensioner were dead and the Board shall comply with any such order and shall discontinue payment of pension to the pensioner during the currency of the order.

(2) Where a pensioner whose wife is dead or divorced fails to maintain any children in respect of whom, if the pensioner were dead, a pension would be payable under section 68 of this Act, the guardian of the children or the Board may from time to time apply to any court of summary jurisdiction and on proof of the failure to maintain the court may order the payment, during such period as it thinks desirable, of pension in accordance with the provisions of section 70 of this Act as if the pensioner were dead and the Board shall comply with any such order and shall discontinue payment of pension to the pensioner during the currency of the order.

(3) For the purposes of this section an order made under the provisions of subsection (1) or subsection (2) of section 52 of the repealed Act and current immediately before the commencement of this Act shall have effect according to its tenor and as if it were an order under subsection (1) or subsection (2) of this section, as the case requires.

Imprisonment
of a male
pensioner.

78. Where a male pensioner is sentenced to imprisonment for any period exceeding one month payment of his pension under this Act may be discontinued during the period of his imprisonment and—

(a) if his wife is alive and she would, if the pensioner were dead, be entitled to a pension under section 68 of this Act she shall during that period be paid a pension for herself and in respect of her or the pensioner's children (if any) in accordance with the provisions of section 68 of this Act as if the pensioner were dead unless the Board is satisfied after making such

inquiry as it thinks fit that payment of such a pension is undesirable ;

or

(b) if his wife is dead or divorced and there are children in respect of whom a pension under section 70 of this Act would be payable if the pensioner were dead, there shall be payable during the period a pension under that section in respect of those children as if that pensioner were dead.

79. Where a female pensioner or widow in receipt of a pension under this Act is sentenced to imprisonment for any period exceeding one month payment of her pension under this Act may be discontinued for the duration of that period but during that period such pension in respect of children as would be payable under section 74 of this Act as if that pensioner or widow were dead shall be payable in respect of those children pursuant to that section as if that pensioner or widow were dead.

Imprisonment
of female
pensioner.

80. Notwithstanding anything in this Act an amount equal to the amount of any pension payable under this Act in respect of any child may be expended by the Board for the benefit of the child and in that case that pension shall not be paid to any person.

Moneys may
be expended
by the Board.

81. (1) Pensions payable pursuant to this Act shall be paid fortnightly.

Payment of
pension by
instalments.

(2) Where a pension referred to in subsection (1) of this section has been approved at an annual rate such fortnightly payment shall be one twenty-sixth of that annual rate.

82. (1) Except as otherwise provided in this Act, a pension payable pursuant to this Act shall be payable during the life of the person entitled thereto.

Pensions
payable for
life except
in case of
children.

(2) Pensions in respect of children shall be payable until the child attains the age of sixteen years or, as the case requires, ceases to be a student child.

83. (1) On the death of any person to whom any money is due under this Act the Board may in its discretion, if satisfied that probate or letters of administration will not be applied for pay or distribute that money to the widow, widower or any

Payments on
death

PART IV.

DIVISION 2.

of the children of the deceased or any other relative of the deceased or any person who in the opinion of the Board has a valid claim against the estate of the deceased.

(2) The receipt of any person to whom money is paid under this section shall be a good discharge to the Board against the claims of any other persons.

Value of
widow's
pension.

84. Except where otherwise provided in this Act, in any case where in this Act provision is made for the pension of any person to be actuarially determined, any pension under this Act to his widow in respect of her own life shall be thirteen-twentieths of the amount so actuarially determined but in any case not less than five dollars and twenty cents a fortnight.

Section 65
pensioners
and others.

85. (1) Any pensioner who is in receipt of a pension or who is entitled to a pension under section 65 of this Act or under section 40 or 47 of the repealed Act, shall for the purposes of this Act be deemed to be on leave without pay and shall not be required to contribute in respect of the period of that leave.

(2) Nothing in this section shall be held to limit or restrict the operation of the Public Service Act, 1967, as amended, in relation to an office vacated by a pensioner referred to in subsection (1) of this section.

(3) The Board may from time to time direct that a pensioner referred to in subsection (1) of this section shall satisfy the Board as to his state of health by undergoing a medical examination at a time and place specified by the Board.

(4) If a pensioner to whom a direction, referred to in subsection (3) of this section, is given fails to comply with that direction, the Board may suspend the pension payable to that pensioner until that pensioner satisfies the Board as to his state of health by undergoing a medical examination at a time and place specified by the Board.

(5) For the purposes of this section a direction reduced to writing and posted to the address of the pensioner last known to the Board shall, without prejudice to any other method of giving that direction, for all purposes be deemed to have been given to the pensioner on the day it would have been delivered to that address in the ordinary course of post.

86. (1) If in the opinion of the Board the health of a pensioner referred to in subsection (1) of section 85 of this Act is restored so as to enable him to again become an employee the Board shall so inform the Minister with a view to suitable employment being offered to the pensioner.

Pensioner
restored to
health.

(2) Where an offer of suitable employment is made to a pensioner referred to in subsection (1) of this section and the pensioner does not enter that employment within the period, not being less than seven days, specified in the offer or within such further period as is allowed by the Board, then on the expiration of that period or further period, as the case may be, the pension of that person shall cease and determine and that pensioner shall cease to be on leave without pay and neither the pensioner nor any dependant of the pensioner shall be entitled to any further benefit under this Act.

(3) Where a pensioner referred to in subsection (1) of this section again becomes an employee his pension shall cease to be payable and the period during which he was a pensioner shall for the purposes of this Act count as service and he may, at his option, contribute for the number of units of pension—

(a) equivalent to the number of units of pension for which he was contributing on becoming a pensioner and at a rate in the opinion of the Board equivalent to the rate at which he was contributing for those units immediately before becoming a pensioner ;

or

(b) appropriate to his salary on his again becoming an employee at a rate fixed by the Board on the assumption that during the whole period he had been a pensioner he had contributed for a number of units equivalent to the number of units for which he was contributing on becoming entitled to a pension.

(4) In this section the expression "suitable employment" means suitable employment as an employee having regard to the pensioner's ability and state of health and at a salary of not less than three-quarters of the salary of the pensioner at the time of his becoming a pensioner.

(5) For the purpose of this section an offer of employment if reduced to writing and posted to the address of the pensioner last known to the Board shall, without prejudice to any other

PART IV.

DIVISION 2.

method of making that offer, for all purposes be deemed to have been made to that pensioner on the day that it would have been delivered to that address in the ordinary course of post.

Re-employment of certain invalid pensioners.

87. (1) Where a pensioner referred to in subsection (1) of section 85 of this Act secures employment or before the commencement of this Act has secured employment otherwise than in consequence of an offer made pursuant to subsection (2) of section 86 of this Act or an offer made pursuant to subsection (2) of section 61 of the repealed Act at a remuneration equal to not less than three-quarters of the salary of the pensioner at the time he became entitled to a pension and in the opinion of the Board that employment is not of a temporary or casual nature the Board may in its discretion suspend the payment of that pension until—

(a) the pensioner ceases to be so employed ;

or

(b) the pensioner attains the age of retirement for which he was contributing immediately before he became entitled to that pension,

whichever event shall first occur.

(2) The Board may, by notice served by post on a pensioner the payment of whose pension has been suspended pursuant to subsection (1) of this section, require that pensioner during the period of that suspension elapsing after the service of that notice to contribute to the Fund such amounts equal to the amounts that in the opinion of the Board the pensioner would from time to time be required to contribute if he were a person who had been entitled to elect to contribute and had elected to contribute in accordance with paragraph (a) of subsection (3) of section 86 of this Act.

(3) Where a pensioner in relation to whom a requirement has been made pursuant to subsection (2) of this section refuses or fails to comply with that requirement his entitlement to a pension shall thereupon cease and determine and neither the pensioner nor any dependant of the pensioner shall be entitled to any other benefit under this Act.

PART IV.
DIVISION 2.

88. (1) The additional amounts of pension payable pursuant to subsection (8) of section 75c of the repealed Act immediately before the commencement of this Act shall on and after that commencement continue to be so payable at the same rate and in the same circumstances as they were so payable.

Payment of
certain
additional
amounts of
pension.

(2) Notwithstanding anything in the repealed Act, the additional amounts referred to in subsection (1) of this section shall for the purposes of this Act be part of the pension payable under this Act.

PART V.

PART V .

VOLUNTARY SAVINGS

Extension of
meaning of
expression
"employee".

89. In this Part "employee" includes a contributor or person entitled to be a contributor to the Police Pensions Fund continued in existence by the Police Pensions Act, 1954, as amended.

Payment of
certain
moneys to
the Fund.

90. (1) Subject to this Part and to such conditions as are prescribed any employee may—

(a) authorize the Treasurer to deduct from his salary and pay to the Fund any sum of money in excess of the contributions the contributor is making pursuant to this Act ;

(b) revoke or amend an authorization referred to in paragraph (a) of this subsection ;

or

(c) pay directly to the Fund any sum of money.

(2) This Act shall apply to and have effect in relation to an authorization made pursuant to paragraph (a) of section 69 of the repealed Act as if that authorization were an authorization made pursuant to paragraph (a) of subsection (1) of this section.

Moneys to be
part of the
Fund.

91. All moneys paid to the Fund pursuant to section 69 of the repealed Act and all moneys paid to the Fund pursuant to section 90 of this Act shall form part of the Fund.

Rate of
interest
allowed.

92. All moneys referred to in section 91 of this Act shall—

(a) be credited to the employee on whose account or by whom they were paid to the Fund ;

and

(b) shall accumulate at interest at such rate per centum per annum compounded annually as shall be fixed from time to time by the Board.

Board to
reimburse
certain
administrative
costs.

93. In addition to the amounts payable from the Fund pursuant to section 22 of this Act the Board shall out of the Fund reimburse to the Treasurer the full and fair costs of administering this Part and the amount of such costs shall be as determined by the Auditor-General.

PART V.

94. (1) Any employee may upon giving three months' notice of his intention so to do withdraw from the Fund the whole amount standing to his credit under this Part, both principal and interest, or any portion thereof.

Voluntary
withdrawal
of savings.

(2) Stamp duty shall not be payable on any receipt given by an employee to the Board relating to any withdrawal referred to in subsection (1) of this section.

95. (1) This Part shall so far as it is applicable apply to and have effect in relation to a former employee as if that former employee were an employee.

Former
employees.

(2) In this section "former employee" means a person who has ceased to be an employee otherwise than by resignation or dismissal and who as an employee lodged moneys in the Fund pursuant to this Part or pursuant to Part VI of the repealed Act and who immediately before so ceasing to be an employee had moneys standing to his credit in the Fund pursuant to this Part or pursuant to Part VI of the repealed Act.

96. (1) The Board may, at any time, pay from the Fund the amount (both principal and interest) standing to the credit of an employee pursuant to this Part or pursuant to Part VI of the repealed Act and upon such payment the Treasurer shall cease making the deductions and payments referred to in paragraph (a) of subsection (1) of section 90 of this Act.

Cessation of
deductions,
etc.

(2) Until the Board directs otherwise, any employee to whom a payment has been made pursuant to subsection (1) of this section shall not—

(a) authorize the Treasurer to make any deduction from his salary pursuant to paragraph (a) of subsection (1) of section 90 of this Act ;

or

(b) pay any sum directly to the Fund pursuant to paragraph (b) of that subsection.

PART VI.

PART VI

PENSIONS SUPPLEMENTATION

Continuation
of Pension
Supplementa-
tion Account.

97. The Pension Supplementation Account, in this Part referred to as "the Account", constituted by section 68a of the repealed Act is continued in existence.

Crediting of
amounts to
the Account.

98. (1) The Account shall from time to time be credited with such amounts as the Treasurer may, on the recommendation of the Public Actuary, approve.

(2) The Account shall be credited, at the end of each financial year with interest upon balances therein at such rate as the Treasurer may, on the recommendation of the Public Actuary and having regard to the current earning rate of the Fund, approve.

Payment of
supplementary
pensions and
other amounts
to continue.

99. Except as otherwise provided by this Act, all supplementary pensions and amounts which were, immediately before the commencement of this Act, payable from the Account shall on and after that commencement continue to be so payable at the rate they were so payable and for the purposes of this Act shall be regarded as part of the pension payable under this Act.

Additional
pension
supplementa-
tion.

100. (1) On and after the commencement of this Act there shall be payable from the Account to a former contributor or the widow of such a former contributor who is in receipt of a pension under this Act on that commencement and whose pension determination day was on or after the first day of July, 1966, and before the first day of July, 1967, a supplementary pension which when aggregated with any amount payable to that former contributor or widow pursuant to section 68c of the repealed Act equals an amount of two per centum of the pension payable to that former contributor or widow as at the thirtieth day of June, 1967.

(2) A supplementary pension payable pursuant to this section shall be payable fortnightly and shall for all purposes be regarded as part of a pension payable under this Act.

(3) For the purposes of this section the pension determination day—

(a) in relation to a former contributor means the day on which he attained the age of retirement or the day upon which he became entitled to a pension whichever day was the earlier ;

and

(b) in relation to the widow of a former contributor means—

(i) the pension determination day of her deceased husband ;

or

(ii) the day on which she became entitled to a pension,

whichever day was the earlier.

(4) Any amount payable pursuant to this section shall be calculated to the nearest whole cent and any fraction of a cent greater than one-half cent shall be taken as one cent.

PART VII.

PART VII

RETIREMENT BENEFIT ACCOUNTS

Continuation
of retirement
benefit
account.

101. (1) The balance of any amount standing to the credit of a contributor or employee, pursuant to paragraph (d) of subsection (9) of section 75c of the repealed Act in a retirement benefit account, immediately before the commencement of this Act shall on and after that commencement but subject to this Part continue to so stand to the credit of the contributor or employee.

(2) Any amounts debited, from a retirement benefit account of a contributor or employee in accordance with an authorization made pursuant to paragraph (e) of subsection (9) of section 75c of the repealed Act, shall on and after that commencement continue to be so debited until the amount in that account is insufficient to meet the contribution of the contributor or employee.

(3) The Board shall continue to credit the amount from time to time standing in credit in a retirement benefit account with interest compounded annually at the same rate as the rate as is from time to time fixed by the Board for the purposes of section 92 of this Act.

Payment of
contributions
from retirement
benefit
accounts.

102. (1) A contributor or employee in relation to whom there is an amount standing to his credit in a retirement benefit account may at any time authorize the Board to debit the amount so standing in credit with his fortnightly contributions to the Fund until the amount so standing to his credit is insufficient to meet any such contributions.

(2) An authorization given under subsection (1) of this section shall not be revoked.

Payment of
amounts
standing to
credit in
retirement
benefit
account.

103. Any amount standing to the credit of an employee in a retirement benefit account shall, upon that employee ceasing to be a contributor—

(a) be paid to him ;

or

(b) where the cessation is occasioned by the death of the contributor, to his personal representative.

PART VIII

PART VIII.

MISCELLANEOUS

104. (1) Where there is no Public Actuary available and willing to act the Governor may by proclamation appoint an actuary to exercise and perform the powers, duties and functions of the Public Actuary conferred by or under this Act or such of those powers, duties and functions as are specified in the proclamation.

Provision for vacancy in office of Public Actuary.

(2) While a proclamation referred to in subsection (1) of this section or such a proclamation as amended or varied is in force references in this Act to the Public Actuary shall to the necessary extent be read as references to the person so appointed.

(3) The Governor may by proclamation, vary or revoke a proclamation referred to in subsection (1) of this section.

105. (1) Where a question arises under this Act as to whether or not—

Determination of questions as to invalidity, etc.

(a) a contributor is an invalid or is physically or mentally incapable of performing his duties ;

or

(b) that invalidity or incapacity is due to his fault,

that question shall subject to subsection (2) of this section be determined by the Board (whether before or after the contributor ceases duty) upon a report from a medical officer appointed by the Board for the purposes of this Act.

(2) Before determining a question referred to in subsection (1) of this section adversely to a contributor the Board shall take such steps as are reasonably practical to enable it to consider any medical report or other evidence submitted to it by the contributor.

106. (1) Any dispute under this Act shall be determined in the first place by the Board.

Settlement of disputes.

(2) A person aggrieved by a decision of the Board pursuant to subsection (1) of this section not being a decision which is by this Act declared to be final may appeal therefrom to a tribunal constituted by a single Judge of the Supreme Court.

(3) The tribunal referred to in subsection (2) of this section shall have the same powers, jurisdiction and authority as a Judge of the Supreme Court presiding over the trial of a civil cause and may hear and determine the appeal and may make any order thereon or in relation thereto as to it seems just.

(4) The decision of the tribunal referred to in subsection (2) of this section shall be final and conclusive and without appeal.

Protection of members of the Board.

107. No action shall lie against any member of the Board in his personal capacity in respect of any matter or thing done or performed in good faith in the exercise of his powers, functions or duties or in the purported exercise of his powers, functions or duties under this Act.

Barring of certain claim for compensation.

108. No person shall be entitled to any compensation by reason of any alteration in any amount of pension, benefit or contribution under this Act or under the repealed Act which may be made by this Act, any Act amending this Act or by any regulation or by the Governor or the Board in consequence of any actuarial investigation or otherwise under this Act.

Inclusion of cost of Fund in departmental accounts.

109. After the commencement of this Act the accounts of every department of the Government of the State shall continue to be prepared every year in such a manner as to show what proportion of the costs to the Government of pensions and benefits payable pursuant to this Act during or, as the case may be, pursuant to the repealed Act is payable in respect of employees who were immediately prior to becoming entitled to a pension or benefit employed in such department and that proportion of the cost shall be deemed to be included in the working expenses of that department.

Returns.

110. (1) The Board may at any time require an employee to furnish such information as the Board considers necessary for the purposes of an investigation in connection with the Fund.

(2) An employee shall not, without reasonable excuse (proof of which shall lie upon him) refuse or fail to furnish such information as may be required of him pursuant to subsection (1) of this section.

Penalty : Twenty dollars.

(3) Any offence under this section may be dealt with summarily.

111. The Board may at any time require the Government to furnish such returns with respect to its employees as the Board decides.

Information from Government.

112. (1) Pensions or other benefits payable pursuant to this Act shall, except as provided for in this section, not be assigned, charged or passed by operation of law to any person other than the person to whom pursuant to this Act they are payable and any moneys payable out of the Fund on the death of an employee, pensioner or beneficiary shall not be assets, for the payment of his debts or liabilities, within the meaning of any Act.

No assignment of pension.

(2) Nothing in subsection (1) of this section shall prevent the making of an order in the nature of a garnishee order against any instalment of a pension payable pursuant to this Act to a person who has been an employee.

113. The Board may recover contributions together with interest chargeable thereon by the Board under this Act or under the repealed Act in any court of competent jurisdiction.

Recovery of contributions.

114. Where a contributor dies or retires without having paid all contributions due by him under this Act or under the repealed Act the Board may deduct either in one sum or by periodical instalments of such amount as is determined by the Board the arrears of contributions from any pension or other money payable pursuant to this Act on or by reason of the retirement or death of the contributor.

Deductions of contributions from pensions.

115. If any doubt or difficulty arises in relation to any matter, situation or circumstance for which adequate provision is not made in this Act the Board may, for the purpose of giving full effect to the objects of this Act, by notice in writing resolve that doubt or difficulty or give directions for the purpose of removing the doubt or difficulty or declaring what is to be done or omitted and by whom and any such notice shall have effect as if it were a provision of this Act.

Resolution of doubts, etc.

116. The Governor may, on the recommendation of the Board make such regulations as are necessary or expedient for giving full effect to the objects of this Act and for prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed and in particular but without limiting the generality of the foregoing, for or in respect of the following matters—

Regulations.

- (a) prescribing in the case of contributors suffering from invalidity or mental or physical incapacity to perform their duties, all or any of the following matters :—
- (i) conditions of retirement ;
 - (ii) pension or other benefits ;
 - (iii) the circumstances in which such pension or other benefit may be suspended or cancelled ;
- and
- (iv) conditions of compulsory re-employment ;
- (b) prescribing the data in respect of mortality, conjugal condition, dependent children, invalidity and prescribing the incidence on the several benefits of the commutations involved in determining actuarial equivalents for the purposes of this Act ;
- (c) prescribing, in the case of an employee who under this Act may make an election or choice and the time within which such an election or choice is not stated in the Act, the time within which such an election or choice must be made and the conditions (if any) upon which it may be made ;
- (d) prescribing conditions relating to voluntary savings under Part V of this Act ;
- (e) prescribing, in relation to any employees who immediately prior to becoming such employees were employed by the Commonwealth or another State or Territory of the Commonwealth or any other prescribed organization and who were contributors to a superannuation fund or other scheme of the Commonwealth, that State or Territory or that organization, conditions upon which such employees may become contributors to the Fund including—
- (i) any special provisions as to the payment to the Board of amounts derived from such superannuation fund or other scheme of the Commonwealth, State or Territory or organization as the case may be ;
 - (ii) the amount of contributions to be paid by such employees to the Fund ;
 - (iii) the benefits to be derived by such employees from the Fund ;

(iv) the proportion of any pensions payable to such employees which is to be paid to the Fund as the contribution by the Government to the Fund ;

and

(v) such other matters as may be necessary whether or not of the same kind as are referred to in this paragraph for the purposes of enabling such employees to become contributors to the Fund ;

(f) prescribing additions to benefits payable under this Act, amounts by which contributions payable may be reduced or amounts which may with the approval of the Treasurer on the recommendation of the Board be paid out of the Fund to contributors or pensioners after each investigation pursuant to section 10 of this Act ;

(g) prescribing the adjustment which may be made to the rates of contributions in respect of units for which payments were commenced before the commencement of the Act to ensure that payments in respect of those units shall cease on the same day as payments in respect of units for which payments were commenced after that commencement ;

and

(h) fixing penalties not exceeding one hundred dollars for any contravention of or failure to comply with such regulations.

SCHEDULES.

FIRST SCHEDULE

Superannuation Act, 1926.

Superannuation Act, 1931.

So much of the second schedule to the Statute Law Revision Act, 1935, as relates to the amendment of the Superannuation Act, 1926.

Superannuation Act Amendment Act, 1938.

Superannuation Act Amendment Act, 1940.

Superannuation Act Amendment Act, 1942.

Superannuation Act Amendment Act, 1946.

Superannuation Act Amendment Act, 1948.

Superannuation Act Amendment Act, 1949.

Superannuation Act Amendment Act, 1951.

Superannuation Act Amendment Act, 1953.

Superannuation Act Amendment Act, 1954.

Superannuation Act Amendment Act, 1955.

Superannuation Act Amendment Act, 1956.

Superannuation Act Amendment Act, 1958.

Superannuation Act Amendment Act, 1960.

Superannuation Act Amendment Act, 1961.

Superannuation Act Amendment Act, 1965.

Superannuation Act Amendment Act, 1966.

Superannuation Act Amendment Act, 1967.

SECOND SCHEDULE

TABLE A

RATES OF FORTNIGHTLY CONTRIBUTION TO BE PAID AS PROVIDED BY
MALE MEMBERS, BASED ON A RETIRING AGE OF 65*(The additional contribution required under section 22 is incorporated in the rates provided
in this schedule)*

Age	First \$8 Fortnightly Pension to Member	Subsequent Increments \$2 Fortnightly Pension to Member
16.....	\$ 0.28	\$ 0.06
17.....	0.29	0.06
18.....	0.30	0.07
19.....	0.31	0.07
20.....	0.33	0.07
21.....	0.34	0.08
22.....	0.36	0.08
23.....	0.38	0.08
24.....	0.40	0.09
25.....	0.42	0.09
26.....	0.44	0.10
27.....	0.46	0.11
28.....	0.48	0.11
29.....	0.50	0.12
30.....	0.52	0.12
31.....	0.55	0.13
32.....	0.58	0.14
33.....	0.61	0.14
34.....	0.64	0.15
35.....	0.67	0.16
36.....	0.71	0.17
37.....	0.75	0.18
38.....	0.79	0.19
39.....	0.84	0.20
40.....	0.89	0.21
41.....	0.94	0.22
42.....	1.00	0.24
43.....	1.06	0.25
44.....	1.13	0.27
45.....	1.21	0.29
46.....	1.29	0.31
47.....	1.39	0.33
48.....	1.49	0.36
49.....	1.60	0.39
50.....	1.73	0.42
51.....	1.88	0.46
52.....	2.05	0.50
53.....	2.26	0.55
54.....	2.49	0.61
55.....	2.78	0.68
56.....	3.12	0.77
57.....	3.55	0.88
58.....	4.10	1.02
59.....	4.83	1.20
60.....	5.85	1.45
61.....	7.37	1.83
62.....	9.92	2.47
63.....	15.04	3.74
64.....	30.61	7.62
65.....	30.97	7.71

TABLE B

RATES OF FORTNIGHTLY CONTRIBUTION TO BE PAID AS PROVIDED BY
FEMALE MEMBERS BASED ON A RETIRING AGE OF 60

*(The additional contribution required under section 22 is incorporated in the rates provided
in this schedule)*

Age	First \$8 Fortnightly Pension to Member	Subsequent Increments \$2 Fortnightly Pension to Member
16.....	\$ 0.26	\$ 0.06
17.....	0.28	0.07
18.....	0.30	0.07
19.....	0.33	0.08
20.....	0.35	0.08
21.....	0.38	0.09
22.....	0.40	0.09
23.....	0.42	0.10
24.....	0.45	0.11
25.....	0.48	0.11
26.....	0.50	0.12
27.....	0.53	0.13
28.....	0.56	0.13
29.....	0.59	0.14
30.....	0.62	0.15
31.....	0.66	0.16
32.....	0.70	0.17
33.....	0.74	0.18
34.....	0.79	0.19
35.....	0.84	0.20
36.....	0.89	0.22
37.....	0.94	0.23
38.....	1.01	0.25
39.....	1.08	0.27
40.....	1.16	0.29
41.....	1.25	0.31
42.....	1.33	0.33
43.....	1.44	0.36
44.....	1.56	0.39
45.....	1.70	0.42
46.....	1.85	0.46
47.....	2.02	0.50
48.....	2.23	0.55
49.....	2.48	0.62
50.....	2.78	0.69
51.....	3.14	0.78
52.....	3.59	0.89
53.....	4.17	1.04
54.....	4.94	1.24
55.....	6.02	1.50
56.....	7.65	1.91
57.....	10.34	2.58
58.....	15.75	3.93
59.....	32.23	8.05
60.....	32.98	8.24

TABLE C

RATES OF FORTNIGHTLY CONTRIBUTION TO BE PAID AS PROVIDED BY
MALE MEMBERS BASED ON A RETIRING AGE OF 60

(The additional contribution required under section 22 is incorporated in the rates provided
in this schedule)

Age	First \$8 Fortnightly Pension to Member	Subsequent Increments \$2 Fortnightly Pension to Member
	\$	\$
16.....	0.34	0.07
17.....	0.35	0.08
18.....	0.37	0.08
19.....	0.39	0.09
20.....	0.41	0.09
21.....	0.43	0.10
22.....	0.45	0.10
23.....	0.47	0.11
24.....	0.50	0.11
25.....	0.52	0.12
26.....	0.55	0.13
27.....	0.58	0.13
28.....	0.62	0.14
29.....	0.65	0.15
30.....	0.69	0.16
31.....	0.72	0.17
32.....	0.77	0.18
33.....	0.81	0.19
34.....	0.86	0.20
35.....	0.91	0.21
36.....	0.96	0.23
37.....	1.02	0.24
38.....	1.09	0.26
39.....	1.16	0.28
40.....	1.25	0.30
41.....	1.35	0.32
42.....	1.45	0.35
43.....	1.56	0.37
44.....	1.69	0.41
45.....	1.83	0.44
46.....	1.99	0.48
47.....	2.18	0.53
48.....	2.40	0.59
49.....	2.67	0.65
50.....	2.97	0.73
51.....	3.35	0.83
52.....	3.83	0.94
53.....	4.44	1.10
54.....	5.26	1.30
55.....	6.41	1.59
56.....	8.13	2.02
57.....	11.00	2.74
58.....	16.80	4.18
59.....	34.32	8.55
60.....	35.03	8.73

TABLE D

RATES OF FORTNIGHTLY CONTRIBUTION TO BE PAID AS PROVIDED BY
FEMALE MEMBERS BASED ON A RETIRING AGE OF 55.

(The additional contribution required under section 22 is incorporated in the rates provided in this schedule).

Age	First \$8 Fortnightly Pension to Member	Subsequent Increments \$2 Fortnightly Pension to Member
	\$	\$
16.....	0.33	0.08
17.....	0.36	0.09
18.....	0.39	0.09
19.....	0.42	0.10
20.....	0.45	0.11
21.....	0.48	0.12
22.....	0.52	0.12
23.....	0.55	0.13
24.....	0.59	0.14
25.....	0.63	0.15
26.....	0.67	0.16
27.....	0.72	0.18
28.....	0.77	0.19
29.....	0.82	0.20
30.....	0.87	0.21
31.....	0.93	0.23
32.....	0.99	0.24
33.....	1.06	0.26
34.....	1.14	0.28
35.....	1.22	0.30
36.....	1.31	0.32
37.....	1.42	0.35
38.....	1.53	0.38
39.....	1.66	0.41
40.....	1.81	0.45
41.....	1.98	0.49
42.....	2.17	0.54
43.....	2.40	0.60
44.....	2.67	0.66
45.....	2.99	0.74
46.....	3.39	0.84
47.....	3.88	0.97
48.....	4.52	1.13
49.....	5.37	1.34
50.....	6.56	1.64
51.....	8.36	2.08
52.....	11.35	2.83
53.....	17.35	4.33
54.....	35.54	8.88
55.....	37.25	9.31

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. W. HARRISON, Governor.