

LEGISLATIVE ASSEMBLY

Read 1° 15 June 1982

(Brought in by Mr Mathews and Mr Jolly)

A BILL

To amend the *Superannuation Act 1958*.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Superannuation (Amendment) Act 1982*. Short title.

(2) In this Act the *Superannuation Act 1958* is called the Principal Act.

Principal Act
No. 6386.
Reprinted to
No. 9125.
Subsequently
amended by
Nos. 9204,
9358, 9427, 9460,
9524 and 9672.

10 (3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commence-
ment.

2. (1) Section 3 (1A) of the Principal Act is amended as follows: Amendment of
No. 6386, s. 3.

15 (a) In paragraph (c) the words "other than a police officer" are repealed; Revised
schem
contributors.

(b) Paragraph (ca) is repealed. Police officers.

Transitional.

(2) All police officers, who immediately before 1 July 1975 were contributing for units on the basis of a retiring age of 60 years and did not on or before 1 July 1975 elect to become revised scheme contributors, are hereby deemed to have become revised scheme contributors on 1 July 1975. 5

(3) Subject to sub-sections (4), (5) and (6), the following provisions shall apply in respect of all police officers who are revised scheme contributors (whether by operation of sub-section (2) or by election on or before 1 July 1975):

(a) The Board shall cause an actuary— 10

(i) to determine the amount that has been contributed by any such contributor up to the commencement of this Act which is in excess of the amount that he would have contributed if he had been contributing for units on the basis of a retiring age of 65 years; 15

(ii) to calculate the amount that if applied out of that excess in reduction of the fortnightly contributions of the contributor from the commencement of this Act on the basis that he would be making fortnightly contributions until he attains the age of 65 years would fully utilize the amount of that excess; 20

(b) The Board shall reduce the fortnightly contributions otherwise payable by the contributor by the amount calculated in accordance with paragraph (a) (ii);

(c) If the whole amount of the excess has not been applied by the operation of paragraph (b) when the contributor dies or retires the balance of the excess shall be paid to the contributor or to his estate in a lump sum; 25

(d) If a contributor who is deemed by sub-section (2) to have become a revised scheme contributor retires on or after attaining the age of 55 years otherwise than on the ground of ill-health he shall be entitled at his option within one month of his retirement to elect to receive the benefits that he would have been entitled to if he had not become a retired scheme contributor in lieu of his entitlements as a revised scheme contributor; 30 35

(e) If the contributor elects under paragraph (d) to receive the benefits that he would have been entitled to if he had not become a revised scheme contributor he shall be liable to pay to the Board an amount equal to the additional contributions that he would have paid if he had not become a revised scheme contributor. 40

(4) Where a police officer, who was immediately before 1 July 1975 contributing for units on the basis of a retiring age of 60 years and who elected on or before 1 July 1975 to become a revised scheme contributor, has retired or died before the commencement of this 45

Act he or his estate (as the case may be) shall be entitled to be paid an amount equal to the difference between the amount contributed by him up to his death or retirement and the amount he would have contributed if he had been contributing on the basis of a retiring age of 65 years.

(5) Where a police officer, who was immediately before 1 July 1975 contributing for units on the basis of a retiring age of 60 years and who retired or died before the commencement of this Act, is deemed by sub-section (2) to have become a revised scheme contributor on 1 July 1975, the police officer, his spouse or his personal representative (as the case may be) may elect within six months of the commencement of this Act to receive benefits as though the police officer had not become a revised scheme contributor.

(6) Where the police officer, his spouse or his personal representative (as the case may be) does not make the election under sub-section (5), the following provisions shall apply:

- (a) The benefits payable in respect of the police officer shall be payable as if he had been a revised scheme contributor as from the date that a pension first became payable in respect of the police officer;
- (b) The Board shall cause to be determined, whether by an actuary or otherwise, the following amounts:
- (i) The amount the police officer would have contributed up to his death or retirement if he had been contributing as a revised scheme contributor on the basis of a retiring age of 65 years;
- (ii) The amount the police officer actually contributed up to his death or retirement;
- (iii) The amount of benefits that the police officer or his spouse would have been entitled to upon his retirement or death if he had been contributing as a revised scheme contributor on the basis of a retiring age of 65 years;
- (iv) The amount of benefits actually received by the police officer or by his spouse from his retirement or death until the commencement of this Act;
- (c) Where the amount determined pursuant to paragraph (b) (i) is greater than the amount determined pursuant to paragraph (b) (ii), the police officer, his spouse or his estate (as the case may be) shall be liable to pay to the Board an amount equal to the difference between those two amounts;
- (d) Where the amount determined pursuant to paragraph (b) (i) is less than the amount determined pursuant to paragraph (b) (ii), the police officer, his spouse or his estate

estate (as the case may be) shall be entitled to be paid an amount equal to the difference between those two amounts;

- (e) Where the amount determined pursuant to paragraph (b) (iii) is greater than the amount determined pursuant to paragraph (b) (iv), the police officer, his spouse or his estate (as the case may be) shall be entitled to be paid an amount equal to the difference between those two amounts; 5
- (f) Where the amount determined pursuant to paragraph (b) (iii) is less than the amount determined pursuant to paragraph (b) (iv), the police officer, his spouse or his estate (as the case may be) shall be liable to pay to the Board an amount equal to the difference between those two amounts. 10 15

Amendment of
No. 6386, s. 32.
Pension to
spouse of
deceased
pensioner.

3. In section 32 (2) (b) of the Principal Act for the expression “five years” there shall be substituted the expression “three years”.