

Queensland



ANNO NONO

ELIZABETHAE SECUNDAE REGINAE.

No. 39.

An Act to Amend "The Public Service Superannuation Act of 1958," in certain particulars.

[ASSENTED TO 14TH DECEMBER, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

- Short title.** 1. (1.) This Act may be cited as "*The Public Service Superannuation Act Amendment Act of 1960.*"
- Principal Act.** (2.) "*The Public Service Superannuation Act of 1958,*" is in this Act referred to as the Principal Act.
- Collective title.** (3.) The Principal Act and this Act may be collectively cited as "*The Public Service Superannuation Acts, 1958 to 1960.*"

2. Section two of the Principal Act is amended by inserting, before the numerals and words "PART VI.—MISCELLANEOUS," the numeral, letter and words "PART VA—VOLUNTARY CONTRIBUTION FOR ANNUITY BENEFIT." Amendment
of s. 2.

3. Section four of the Principal Act is amended by, in the definition "Officer", repealing the second paragraph (being all words from and including the words "The term includes" to and including the words "under this Act", appearing at the end of subparagraph (c)) and inserting, in lieu of that repealed paragraph, the following paragraph :— Amendment
of s. 4.

"The term includes any person employed by the University of Queensland in a permanent capacity who, pursuant to an Order in Council made under section seventy-five of this Act, or the Order in Council dated the nineteenth day of April, one thousand nine hundred and twenty-eight, made under the corresponding provisions of the repealed Acts, is at the date of the passing of "*The Public Service Superannuation Act Amendment Act of 1960*," or on a date thereafter becomes, a contributor under this Act to the Fund."

4. Subsection one of section ten of the Principal Act is amended— Amendments
of
s. 10 (1).

(a) By repealing the words "In the case of" and inserting, in lieu of those repealed words, the words "In respect of"; and

(b) By inserting after the words "for the member during" the words "all occasions of".

5. Section eighteen of the Principal Act is amended— Amendments
of s. 18.

(a) By, in subsection two, repealing the words "the Crown and"; and

(b) By adding to subsection five the following paragraph :—

"Such interest shall be payable out of the Consolidated Revenue Fund which, in respect of the financial year commenced on the first day of July, one thousand nine hundred and sixty, and every financial year thereafter, is hereby appropriated accordingly."

New s. 19A
inserted.

“ The
Public
Service
Super-
annuation
Additional
Benefits
Fund.”

6. The Principal Act is amended by inserting after section nineteen thereof the following section :—

“ [19A.] (1.) This section applies in respect of the financial year commenced on the first day of July, one thousand nine hundred and sixty, and every financial year thereafter.

(2.) The Fund called “ The Public Service Superannuation Additional Benefits Fund ” as established in the Treasury immediately prior to the enactment of this section is hereby continued in existence and established in the Treasury under this Act.

(3.) The Treasurer shall pay into such Fund in respect of each financial year such sum as the actuary appointed pursuant to this Act certifies from time to time to be necessary in order to make proper provision for payment out of such Fund of all sums payable by the Crown under sections twenty-eight, sixty-nine, or eighty-five of this Act in respect of all contributors and persons other than those mentioned in subsection four of this section.

Payments to be made under this section by the Treasurer into such Fund shall be made from the Consolidated Revenue Fund (exclusive of the moneys standing to the credit of the Loan Fund Account) which is hereby appropriated accordingly.

(4.) In respect of any period of time during which the salary of any contributor is payable from the Loan Fund Account or any of the Trust and Special Funds, the Treasurer shall cause to be paid monthly from such Account or Fund and, in respect of any contributor employed by the University of Queensland, such University shall cause to be paid monthly into The Public Service Superannuation Additional Benefits Fund an amount equal to—

(a) One and one-half times the monthly rate of contribution paid by such contributor to the Public Service Superannuation Fund ; or

(b) Such greater or lesser amount as the actuary appointed pursuant to this Act certifies from time to time to be necessary to make proper provision for payment out of the Account or Fund in question or by the University of Queensland of all sums payable

by the Crown under sections twenty-eight, sixty-nine, or eighty-five of this Act in respect of every contributor or person whose salary when (whether before or after the enactment of this subsection) he or she ceased employment as an officer, or retired from the employment in relation to which he or she contributed for benefit under the repealed Acts, was payable from the Loan Fund Account or any of the Trust and Special Funds, or who was an employee of the University of Queensland.

(5.) The Treasurer shall cause to be paid out of The Public Service Superannuation Additional Benefits Fund all sums payable by the Crown under sections twenty-eight, sixty-nine, or eighty-five of this Act.

(6.) Payment from "The Public Service Superannuation Additional Benefits Fund" of the amount or proportion prescribed by sections twenty-eight, sixty-nine, or eighty-five of this Act to be payable by the Crown of any payment from The Public Service Superannuation Fund mentioned in the said sections twenty-eight, sixty-nine, or eighty-five shall be deemed to be payment of such amount or proportion from The Public Service Superannuation Fund and accordingly shall be a lawful and sufficient compliance with any provision of this Act requiring such amount or proportion to be paid from The Public Service Superannuation Fund."

7. Subsection two of section twenty of the Principal Act is amended by repealing paragraph (b) and inserting, in lieu of that repealed paragraph, the following paragraph:—

Amendment
of s. 20 (2).

"(b) In the case of an officer to whom paragraph (a) of this subsection does not apply, the prescribed date shall be the first day of the month next after the date when the Board accepts him as a contributor."

8. The Principal Act is amended by inserting after section twenty-two the following section:—

New s. 22A
inserted.

"[22A.] (1.) Any officer who is not contributing to the Fund for units of benefits to the number thereof specified in the applicable scale contained in Schedule I.

When officer
may
voluntarily
increase his
contribution.

to this Act opposite to the salary group within which his or her salary falls may, subject to this section, elect to increase the amount of his or her contribution.

(2.) Such an election may be to contribute for any further number of units of benefits up to, but not exceeding, the difference between—

(a) The number thereof specified in the said scale opposite to the salary group in which the salary of the officer making the election falls; and

(b) The number thereof for which such officer is contributing,

but an officer shall not be entitled or permitted to increase, pursuant to such an election, his contribution to the Fund for incapacity benefit or assurance benefit to a number of units thereof in excess of the number or increased number of units of annuity benefit for which he is a contributor or, as the case may be, would become a contributor pursuant to such election.

(3.) Unless exempted by the Board therefrom an officer shall, before at any time increasing the amount of his contribution to the Fund under this section, be medically examined by a medical practitioner.

(4.) An officer shall not at any time increase the amount of his or her contribution to the Fund under this section if, after considering the report of the medical practitioner, the Board is not satisfied that the health and physical condition of such officer are such as would justify his being then accepted as a contributor.

(5.) Any increased contribution under this section shall, subject to subsection four of this section, be payable as from the first day of the month next after the date when the Board accepts as a contributor under this section the officer making the election."

Amendments
of s. 28.

9. Section twenty-eight of the Principal Act is amended—

(a) By, in subsection one, repealing the brackets and numeral "(1)" and the words "to the Fund"; and

(b) By repealing subsection two.

10. Subsection two of section thirty-two of the Principal Act is amended by repealing the words "ten years" and inserting, in lieu of those repealed words, the words "five years". Amendment of s. 32 (2).

11. Subsection one of section thirty-eight of the Principal Act is amended by inserting before the words "This subsection", where appearing at the beginning of the second paragraph, the words "Save as prescribed by subsection seven of section 73B of this Act,". Amendment of s. 38 (1).

12. The Principal Act is amended by repealing section forty-seven and inserting, in lieu of that repealed section, the following section:— Repeal of and new s. 47.

"[47.] (1.) Every person who on or after the twenty-fourth day of November, one thousand nine hundred and fifty-eight, becomes an officer shall, before contributing to the Fund, be medically examined by a medical practitioner. Medical examinations of officers.

(2.) A person referred to in subsection one of this section shall not contribute to the Fund if the Board is not satisfied, after considering the report of the medical practitioner, that the health and physical condition of that person are such as to justify his being accepted as a contributor."

13. Section sixty-nine of the Principal Act is amended— Amendments of s. 69.

(a) By repealing the words "to the Fund" wheresoever those words appear in subsections one, two, three and four; and

(b) By repealing subsection five.

14. The Principal Act is amended by inserting after section seventy-three the following headnote and sections:— New headnote and ss. 73A, 73B, and 73C inserted.

"PART VA.—VOLUNTARY CONTRIBUTION FOR ANNUITY BENEFIT.

[73A.] (1.) This Part applies to any and every officer— Application of this Part.

(a) With respect to whom the Board is not satisfied, whether pursuant to the provisions of this Act or the corresponding provisions of the repealed Acts, that the health and physical condition of such officer are such as to justify his being accepted as a contributor; or

(b) Who, being an officer to whom section sixty-seven of this Act applies, or pursuant to the corresponding provisions of the repealed Acts, has failed to produce evidence of good health satisfactory to the Board and has not been exempted from so doing by the Board.

(2.) In this Part—

(a) The term “officer” means an officer to whom this Part applies; and

(b) The expression “further annuity benefit” means any units of annuity benefit in excess of the aggregate of three units of annuity benefit under this Act for each unit of annuity benefit under the repealed Acts for which an officer to whom Part V. of this Act applies was contributing.

Voluntary contribution for annuity benefit or further annuity benefit.

[73B.] (1.) Any officer, contribution by whom to the Fund is prohibited or limited under this Act, or the repealed Acts, notwithstanding such prohibition or limitation but subject to this Part,—

(a) May elect to contribute to the Fund for annuity benefit or further annuity benefit under this Act; and

(b) If he so elects, may become such a contributor in accordance with his election.

(2.) Such an election may be to contribute for annuity benefit or further annuity benefit not exceeding the total number of units thereof for which the officer concerned would be entitled or required or permitted to contribute save for the prohibition or limitation imposed in his case under this Act or the repealed Acts.

(3.) An officer thereunto electing shall contribute to the Fund in accordance with his election as from the first day of the month next after the date upon which the Board receives notification, in writing, of his election and thereafter until he or she attains the age of sixty-five years or his or her employment as an officer is sooner terminated by death, resignation or otherwise.

(4.) With respect to annuity benefit, the provisions, save of subsections three and four, of section 22A of this Act apply to an officer who has elected under this Part to contribute to the Fund for annuity benefit or further annuity benefit.

(5.) Subsection two of section twenty-six of this Act shall not apply to contributions payable by an officer to the Fund pursuant to his or her election under this Part and accordingly such contribution shall not be suspended during any period of sick leave.

(6.) With respect to an officer to whom both this Part and Part V. apply, subsection five of section fifty-one of this Act shall apply if, but only if, such officer notifies in writing the Board of his or her election within three months after the date of the passing of "*The Public Service Superannuation Act Amendment Act of 1960.*"

(7.) In the case of any officer who, by reason of incapacity, is retired from employment as an officer before attaining the age of sixty-five years, section twenty-nine of this Act does not apply with respect to any annuity benefit or further annuity benefit for which such officer shall have elected under this section to contribute unless such officer continues to contribute to the Fund in accordance with such election, and subject to any arrangement approved by the Board as to the payment of his contributions in advance, until he or she attains the age of sixty-five years, it being hereby declared that any such officer may so continue.

If any such officer notifies the Board in writing of his intention to discontinue, or fails to continue, such contribution, subsection one of section thirty-eight of this Act shall apply with respect to the annuity benefit or further annuity benefit for which he shall have contributed pursuant to his election under this section.

(8.) The provisions of this Act, other than this Part, applicable with respect to contributions, benefits and payments in respect of annuity benefit thereunder shall, subject to this Part, apply with respect to contributions, benefits and payments in respect of annuity benefit or further annuity benefit contributed for by any officer as prescribed by this Part.

Annuity to widow.

[73c.] (1.) An officer who contributes under this Part for annuity benefit or further annuity benefit until he attains the age of sixty-five years may, within three months after attaining such age, apply to the Board to convert into annuities payable respectively to himself during his lifetime and upon his death to his widow during her lifetime such annuity benefit or further annuity benefit.

Such officer may apply to have included in such conversion any assurance benefit under the repealed Acts whereto he is entitled.

(2.) The widow of any officer shall not be paid annuity benefit pursuant to this section unless her marriage to him took place before he attained the age of sixty-five years.

(3.) The annuity benefit payable to the widow pursuant to the conversion under this section shall be one-half that payable to the applicant, and the actuarial value at the date of conversion as determined by the actuary and approved by the Board of the respective annual amounts of those annuities shall be equivalent to the equivalent value at the date of conversion of the benefit or further benefit contributed for under this Part and of the assurance benefit under the repealed Acts, if any, which have been converted."

Amendments of s. 75.

15. Section seventy-five of the Principal Act is amended by—

(a) Repealing in subsection one the words “, upon the recommendation of the Board made with the consent of the Senate of the University of Queensland,”;

(b) Repealing in subsection two the words “ shall be deemed to be an officer and ”; and

(c) Adding the following subsection :—

“(3.) The Governor in Council may revoke or from time to time amend, alter or otherwise modify any Order in Council under this section, including the Order in Council under the corresponding provisions of the repealed Acts made on the nineteenth day of April, one thousand nine hundred and twenty-eight, and

published in the *Gazette* of the twenty-first day of April, one thousand nine hundred and twenty-eight, but no such revocation, amendment, alteration or modification of any such Order in Council shall affect the rights as a contributor of any person who is contributing under this Act to the Fund pursuant to the Order in Council in question at the date of the revocation, amendment, alteration or modification otherwise thereof."

16. The Principal Act is amended by inserting after section seventy-nine the following section :— New s. 79A inserted.

" [79A.] Notwithstanding anything to the contrary contained in this Act, where any person, officer or contributor is required by or under this Act— Requirements as respects medical examinations.

(a) To be medically examined by a medical practitioner ; or

(b) To produce any medical evidence,

then a medical examination is to be made by, or, as the case requires, medical evidence is to be obtained from, such medical practitioner as the Board may appoint in that behalf (whether by naming the medical practitioner or by reference to the holder for the time being of any office), and a report of the medical examination or, as the case may be, the medical evidence is to be furnished by the medical practitioner or holder of the office to the Board or, if the Board so specifies, then to the person or authority specified :

Provided that where permitted by this Act and without derogating from the Board's discretion to accept or to refuse to accept the result of that further medical examination or that further medical evidence, the person, officer or contributor may have a further medical examination made or, as the case requires, further medical evidence obtained from some other medical practitioner."

17. Section eighty-five of the Principal Act is amended— Amendments of s. 85.

(a) By, in subsection two, repealing the words " to the Fund " ; and

(b) By repealing subsection three.

Commence-
ment.

18. (1.) This section shall come into operation on the first day of July, one thousand nine hundred and sixty-one.

Salaries
exceeding
£2,552 per
annum.

(2.) For the purposes of contributions in accordance with the applicable scale contained in Schedule I. to the Principal Act as inserted by this section, the salary of every officer who is a contributor on the first day of July, one thousand nine hundred and sixty-one, and whose annual salary then exceeds two thousand five hundred and fifty-two pounds, shall be deemed increased from two thousand five hundred and fifty-two pounds on and from that date.

Repeal of
and new
Schedule I.

(3.) The Principal Act is amended by repealing Schedule I. and inserting, in lieu of that repealed Schedule, the following Schedule :—

[s. 22.]

“ SCHEDULE I.

PART I.—MALE OFFICERS.

Scale of Units of Benefits.

Column 1. Annual Salary.		Column 2. No. of units of annuity, incapacity and assurance benefits respectively.	Column 3. Annual Amount of Benefits.		
Exceeding—	Not Exceeding—		Annuity.	Incapacity.	Assurance.
£	£		£	£	£
..	158	2	84	84	42
158	221	3	126	126	63
221	284	4	168	168	84
284	347	5	210	210	105
347	410	6	252	252	126
410	473	7	294	294	147
473	536	8	336	336	168
536	599	9	378	378	189
599	662	10	420	420	210
662	725	11	462	462	231
725	788	12	504	504	252
788	851	13	546	546	273

SCHEDULE I.—*continued.*PART I.—MALE OFFICERS—*continued.*Scale of Units of Benefits—*continued.*

Column 1. Annual Salary.		Column 2. No. of units of annuity, incapacity and assurance benefits respectively.	Column 3. Annual Amount of Benefits.		
Exceeding	Not Exceeding		Annuity.	Incapacity.	Assurance
£	£		£	£	£
851	914	14	588	588	294
914	977	15	630	630	315
977	1,040	16	672	672	336
1,040	1,103	17	714	714	357
1,103	1,166	18	756	756	378
1,166	1,229	19	798	798	399
1,229	1,292	20	840	840	420
1,292	1,418	21	882	882	441
1,418	1,544	22	924	924	462
1,544	1,670	23	966	966	483
1,670	1,796	24	1,008	1,008	504
1,796	1,922	25	1,050	1,050	525
1,922	2,048	26	1,092	1,092	546
2,048	2,174	27	1,134	1,134	567
2,174	2,300	28	1,176	1,176	588
2,300	2,426	29	1,218	1,218	609
2,426	2,552	30	1,260	1,260	630
2,552	2,678	31	1,302	1,302	651
2,678	2,804	32	1,344	1,344	672
2,804	2,930	33	1,386	1,386	693
2,930	3,056	34	1,428	1,428	714
3,056	3,182	35	1,470	1,470	735
3,182	3,308	36	1,512	1,512	756
3,308	3,434	37	1,554	1,554	777
3,434	3,560	38	1,596	1,596	798
3,560	..	39	1,638	1,638	819

PART II.—FEMALE OFFICERS.
Scale of Units of Benefits.

Column 1. Annual Salary.		Column 2. No. of units of annuity and incapacity benefits respectively.	Column 3. Annual Amount of Benefits.	
Exceeding—	Not Exceeding—		Annuity.	Incapacity.
£	£		£	£ s. d.
..	158	2	84	67 0 0
158	221	3	126	100 10 0
221	284	4	168	134 0 0
284	347	5	210	167 10 0
347	410	6	252	201 0 0
410	473	7	294	234 10 0
473	536	8	336	268 0 0
536	599	9	378	301 10 0
599	662	10	420	335 0 0
662	725	11	462	368 10 0
725	788	12	504	402 0 0
788	851	13	546	435 10 0
851	914	14	588	469 0 0
914	977	15	630	502 10 0
977	1,040	16	672	536 0 0
1,040	1,103	17	714	569 10 0
1,103	1,166	18	756	603 0 0
1,166	1,229	19	798	636 10 0
1,229	1,292	20	840	670 0 0
1,292	1,418	21	882	703 10 0
1,418	1,544	22	924	737 0 0
1,544	1,670	23	966	770 10 0
1,670	1,796	24	1,008	804 0 0
1,796	1,922	25	1,050	837 10 0
1,922	2,048	26	1,092	871 0 0
2,048	2,174	27	1,134	904 10 0

PART II.—FEMALE OFFICERS—*continued.**Scale of Units of Benefits—continued.*

Column 1. Annual Salary.		Column 2. No. of units of annuity and incapacity benefits respectively.	Column 3. Annual Amount of Benefits.	
Exceeding—	Not Exceeding—		Annuity.	Incapacity.
£	£		£	£ s. d.
2,174	2,300	28	1,176	938 0 0
2,300	2,426	29	1,218	971 10 0
2,426	2,552	30	1,260	1,005 0 0
2,552	2,678	31	1,302	1,038 10 0
2,678	2,804	32	1,344	1,072 0 0
2,804	2,930	33	1,386	1,105 10 0
2,930	3,056	34	1,428	1,139 0 0
3,056	3,182	35	1,470	1,172 10 0
3,182	3,308	36	1,512	1,206 0 0
3,308	3,434	37	1,554	1,239 10 0
3,434	3,560	38	1,596	1,273 0 0
3,560	..	39	1,638	1,306 10 0"