

Statutory Rules 1992 No. ¹

267

Superannuation (Existing Invalidity Pensioners) Regulations ² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Superannuation Act 1976*.

Dated 19 August 1992.

BILL HAYDEN
Governor-General

By His Excellency's Command,

Ralph Willis
Minister of State for Finance

1. Commencement

1.1 These Regulations are taken to have commenced on 2 September 1991.

2. Amendment

2.1 The Superannuation (Existing Invalidity Pensioners) Regulations are amended as set out in these Regulations.

3. Schedule 1 (Modification of the Act in its application in relation to certain persons referred to in section 180 of the Act)

3.1 Omit the heading, substitute:

“SCHEDULE 1

Subregulation 4 (2)

MODIFICATION OF THE ACT IN ITS APPLICATION IN RELATION TO CERTAIN
PERSONS REFERRED TO IN SECTION 180 OF THE ACT

3.2 Modifications of section 3 (seventh modification):

Omit the modification.

3.3 Modifications of section 56:

Omit from substituted subsection (3A) the words “D is the number of days included that part of a year”, substitute “D is the number of days included in that part of a year”.

3.4 Modification of section 59:

Omit “paragraph (a)”, substitute “paragraph (1) (a)”.

3.5 Modifications of section 62 (second modification):

Omit the modification, substitute:

“Omit from paragraph (2A) (a) all words from and including ‘payment of’, substitute:

‘payment of:

(i) a lump sum benefit of an amount equal to $3\frac{1}{2}$ times the amount of his or her accumulated basic contributions, together with the amount of his or her accumulated supplementary contributions (if any); or

(ii) if the person is a person in relation to whom sections 119H and 119J of the superseded Act applied—a lump sum benefit of an amount equal to the sum of:

(A) the amount (in this subparagraph referred to as “the relevant amount”) paid in respect of the person to the Superannuation Board or Commissioner under section 119J of the superseded Act together with the amount of interest that would be payable in respect of the relevant amount if it were deemed to be an amount of basic contributions paid by the person under this Act on his or her first day of service; and

- (B) an amount equal to $3\frac{1}{2}$ times the amount that would be the amount of his or her accumulated basic contributions if the amount paid into the Fund in respect of the person in accordance with subsection 180 (4) of this Act had been reduced by an amount equal to so much of the relevant amount as was paid by the Superannuation Board to the existing Fund, or by the Commissioner to the Fund, in accordance with section 119J of the superseded Act; and
- (C) the amount of the person's accumulated supplementary contributions (if any); or.

Insert after subsection (2A) the following subsection:

- “(2AA) If a person makes an election under subsection (1) and a non-contributory unit of pension was applicable in relation to the person under the superseded Act immediately before his or her previous entitlement day, the person is entitled, in addition to any payment to which he or she is entitled under subsection (2) or (2A), to payment of a lump sum benefit of an amount equal to $2\frac{1}{2}$ times the amount of the contributions that, under the superseded Act, would have been paid to the Fund by the person in respect of that unit of pension if the person had contributed for that unit of pension from the date on which the unit became applicable in relation to the person as a non-contributory unit at the fortnightly rate (being a rate based on a retiring age of 65 years) specified:
- (a) in the case of a male person who elected under subsection 26 (3) of the superseded Act that section 26 of that Act should not apply to him—in column 2 of Schedule 2A;
 - (b) in the case of any other male person—in column 3 of that Schedule;
 - (c) in the case of a female person—in column 4 of that Schedule; opposite to the age specified in column 1 of that Schedule that was the age of the person at the last-mentioned date.”

3.6 Modifications of section 67:

Omit from substituted subsection (2A) the words “D is the number of days included that part of a year”, substitute “D is the number of days included in that part of a year”.

3.7 Modifications of section 68:

Omit from substituted subsection (2A) the words “D is the number of days included that part of a year”, substitute “D is the number of days included in that part of a year”.

3.8 After the modifications of section 103, insert:

“109AB In subsections (1) and (4), insert ‘ of this Part or Division 9 of Part XII’ after ‘Division 1, 2, 3 or 3A’ (wherever occurring)”.

3.9 Modification of section 110:

Omit “Division 1, 2 or 3”, substitute “Division 1, 2, 3 or 3A”.

3.10 Modification of section 110:

Add at the end:

“Insert in subsection (15) ‘ or Division 9 of Part XII’ after ‘108’”.

3.11 After the modification of section 110, insert:

“110AB Omit from subparagraph (1) (a) (i) ‘86 or 90’, substitute ‘86, 90 or 225’
Omit from paragraph (1) (b) ‘94 or 96’, substitute ‘94, 96 or 225’”.

3.12 Modifications of section 111 (first modification):

Omit “paragraph (1) (b)”, substitute “subsection (1)”.

3.13 Modification of section 115:

Omit the modification, substitute:

“115 Insert in subsection (4) (paragraph (a) of the definition of ‘orphan benefit’) ‘ or section 231’ after ‘Division 4 of Part VI’”.

3.14 Modifications of section 184 (second modification):

Omit “Omit subsection (2)”, substitute “Omit subsections (2) and (2A)”.

3.15 Modifications of Part XII:

Omit from the added paragraph 228 (1) (b) “4%”, substitute “ $3\frac{1}{3}\%$ ”.

3.16 Substituted Schedule 2A:
Omit the heading, substitute:

"SCHEDULE 2A

Subsection 62 (2AA)

EARLY RETIREMENT BENEFIT

**FORTNIGHTLY RATE APPLICABLE TO CALCULATE BENEFIT
IN RESPECT OF NON-CONTRIBUTORY UNITS OF PENSION".**

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1988 No. 275 as amended by 1991 No. 192.

/ 1992. 26 August |