



Papua New Guinea (Staffing Assistance) (Superannuation) Regulations

Statutory Rules 1973 No. 239 as amended

made under the

Papua New Guinea (Staffing Assistance) Act 1973

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Regulation 1

Part I Preliminary**1 Citation** [see Note 1]

These Regulations may be cited as the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations.

2 Commencement [see Note 1]

These Regulations shall come into operation on the date fixed by Proclamation under section 2 of the *Papua New Guinea (Staffing Assistance) Act 1973*.

4 Interpretation

- (1) In these Regulations, unless the contrary intention appears:

children includes children adopted by a contributor or by a contributor to the Provident Account and dependent on him at the time of his death.

continuing contributor means a person who, by virtue of regulation 9, continues, on and after 1 July 1976, to make contributions for a pension payable under these Regulations.

minimum number of units, in relation to a contributor:

- (a) means the number of units (not including reserve units or non-contributory units) provided by a contribution equal to one-tenth of the salary of the contributor; or
- (b) if a contribution equal to one-tenth of the salary of the contributor would provide a number of units (not including reserve units or non-contributory units) and a fraction of a unit — means that number of units and does not include that fraction of a unit.

non-contributory unit means a unit of pension which is applicable to a contributor by virtue of regulation 13.

pension means a pension payable under these Regulations, and includes a pension payable, before the commencement of these Regulations, under the Superannuation Ordinance, being a

Regulation 4

pension that is preserved and continued in existence by, and payable under, these Regulations.

pensioner means a person in receipt of a pension.

reserve unit means a unit of pension to which Division 5 of Part II applies.

salary, in relation to a continuing contributor, means the amount determined from time to time under regulation 4B as his salary for the purposes of these Regulations.

service means continuous service as an employee under Part II of the Act and includes continuous service that was service within the meaning of the Superannuation Ordinance.

serving employee means an employee who, immediately before the commencement of the *Superannuation (Papua New Guinea) Ordinance 1951*, was a contributor under the *Superannuation Ordinance 1917-1955* of the Territory of Papua, the *Superannuation Ordinance 1928-1955* of the Territory of New Guinea or the *Superannuation Ordinances 1951*.

student child means a child who has attained the age of sixteen years and is under the age of twenty-one years, and is receiving full-time education at a school, college or university.

Superannuation Ordinance means the *Superannuation (Papua New Guinea) Ordinance 1951-1973*.

the Act means the *Papua New Guinea (Staffing Assistance) Act 1973*.

the maximum age for retirement means:

- (a) in the case of a male contributor who made an election under regulation 16 of these Regulations as in force at any time before 1 July 1976 (other than a contributor in relation to whom subregulation 9 (6) of these Regulations as in force on 30 June 1976 continues to apply) — the age of fifty-five years;
- (b) in the case of a female contributor who made an election under regulation 16 of these Regulations as in force at any time before 1 July 1976 (other than a contributor in relation to whom subregulation 9 (6) of these Regulations as in force on 30 June 1976 continues to apply) — the age of fifty years;

Regulation 4A

- (c) in the case of a contributor in relation to whom subregulation 9 (6) of these Regulations as in force on 30 June 1976 continues to apply — the age at which he resigns or retires;
 - (d) in the case of any other male contributor — the age of sixty years; and
 - (e) in the case of any other female contributor — the age of fifty-five years.
- (2) In these Regulations, a reference to an Ordinance is a reference to an Ordinance of Papua New Guinea as amended and in force at the relevant time.
 - (3) A reference in these Regulations to the retirement of an employee upon his attaining the maximum age for retirement includes a reference to the case of an employee whose retirement takes place on the day before he attains that age.
 - (4) For the purposes of the Act, a person who, immediately before the commencement of the *Superannuation (Papua and New Guinea) Ordinance 1955*, contributed to the Superannuation Fund or to the Provident Account as if he were an employee shall be deemed, during the period for which he was so contributing, to have been an employee.
 - (5) In these Regulations, a reference to a Schedule by number shall be read as a reference to the Schedule to these Regulations so numbered.
 - (6) Unless the contrary intention appears, in the application of these Regulations on and after 1 July 1976 in relation to a continuing contributor:
 - (a) a reference to the Board shall be read as a reference to the Commissioner; and
 - (b) a reference to an employee or a contributor shall be read as a reference to a continuing contributor.

4A Meaning of retirement, resignation etc

- (1) In the application of these Regulations on and after 1 July 1976 in relation to a continuing contributor:

Regulation 4B

- (a) a reference to his retirement shall, unless the contrary intention appears, be read as a reference to the completion by him of the term of the first contract of employment entered into by him with the Government of Papua New Guinea or, if that term would expire after 30 June 1978, as a reference to the completion by him of a period of service in pursuance of that contract ending on that date; and
 - (b) a reference to his resignation shall be read as a reference to the voluntary termination by him of that contract before the expiration of the term of that contract.
- (2) Where the contract of employment that a continuing contributor has entered into with the Government of Papua New Guinea is terminated in circumstances that, if that employment were employment under Part II of the *Papua New Guinea (Staffing Assistance) Act 1973* as amended and in force on 30 June 1976, would be treated as retirement, retrenchment or dismissal, these Regulations shall, in their application, on and after 1 July 1976, to that continuing contributor, apply as if that termination was retirement, retrenchment or dismissal, as the case requires, in relation to employment under that Part.

4B Salary

- (1) The Commissioner shall, from time to time as circumstances require, determine, as the salary of a continuing contributor for the purposes of these Regulations, an amount ascertained by adding to the basic former salary of that continuing contributor an amount, or the sum of the amounts, by which a comparable salary payable to an officer of the Australian Public Service has been increased since the relevant date, and the Commissioner shall specify in the determination the date on which the last increase in a comparable salary payable to such an officer taken into account in making the determination took effect.
- (2) Where the Commissioner has made a determination under this regulation in relation to a continuing contributor, for the purposes of these Regulations the salary of that continuing contributor shall, during the period from and including the date specified in that determination in pursuance of subregulation (1) to and including the date immediately preceding the date on which:

Regulation 5

- (a) he ceases to be a continuing contributor; or
 - (b) another determination under this regulation is made in relation to him;
- as the case may be, be deemed to be the amount so determined.

- (3) In determining, in relation to a continuing contributor, the amount referred to in subregulation (1), the Commissioner shall disregard any increase in the salary of that continuing contributor since the relevant date attributable to promotions received by him in the course of his service in pursuance of a contract of employment entered into by him with the Government of Papua New Guinea.

- (4) In this regulation:

basic former salary, in relation to a continuing contributor, means the salary that was payable to him on the relevant date in respect of his employment under Part II of the *Papua New Guinea (Staffing Assistance) Act 1973* as amended and in force on that date.

relevant date means:

- (a) in the case of a continuing contributor who, at any time during the period commencing on 1 July 1975 and ending on 30 June 1976, commenced service in pursuance of a contract of employment entered into by him with the Government of Papua New Guinea — the date immediately preceding the date on which he commenced that service; or
- (b) in any other case — 30 June 1976.

5 Employees appointed to statutory offices

- (1) Where at any time after 9 August 1951 a contributor has been or is appointed for a term of years to a statutory office in Papua New Guinea, he shall, for the purposes of these Regulations, be deemed, so long as he continues to be employed in that office (whether during, or after the expiration of, the term for which he was appointed), to be, and at all times since his appointment to that office to have been, an employee, and the cessation of that employment (otherwise than by retrenchment, discharge, dismissal or resignation) shall be deemed to be retirement for the purposes of these Regulations.

Regulation 6

- (2) If the retirement referred to in subregulation (1) takes place at an earlier age than the maximum age for retirement, and is not on the ground of the employee's invalidity or physical or mental incapacity to perform his duties, it shall be deemed to be the retirement of a contributor before attaining the maximum age for retirement for the purposes of regulation 32, and the provisions of that regulation shall apply accordingly.
- (3) Notwithstanding anything contained in subregulations (1) and (2), if an employee who is the holder of a statutory office gives notice in writing to the authority administering the Ordinance under which he was appointed, that he does not desire re-appointment at the expiration of the term for which he was appointed, the notice shall, unless he has attained:
 - (a) in the case of a male, the age of fifty years or, in the case of a female, the age of forty-five years; or
 - (b) the age of retirement (if any) fixed by law in respect of that statutory office;be deemed to be resignation for the purposes of regulation 39 or 76, as the case may be.

6 Certain temporary employees to be deemed to be employees

- (1) Where:
 - (a) a person who was, immediately before the commencement of these Regulations, employed by the Administration of Papua New Guinea otherwise than in a permanent capacity was by the terms of his employment required to give the whole of his time to the duties of his employment;
 - (b) that person had been so employed for a continuous period of not less than three years;
 - (c) the prescribed officer or, on appeal from the prescribed officer, the Administrator, certified that that person's employment was likely to be continued, in the case of a male, until he reaches the age of fifty-five years or, in the case of a female, until she reaches the age of fifty years; and
 - (d) the Administrator had, by notice in the *Papua New Guinea Government Gazette*, declared that that person shall be

Regulation 7

deemed to be an employee within the meaning of section 4 of the Superannuation Ordinance;

that person shall be deemed to be an employee within the meaning of these Regulations.

(2) Where:

- (a) a person employed, on the date of commencement of the *Superannuation (Papua and New Guinea) Ordinance (No. 2) 1957*, by that Administration otherwise than in a permanent capacity was by the terms of his employment required to give the whole of his time to the duties of his employment;
- (b) that person had been so employed for a continuous period of not less than three years;
- (c) that person had applied within six months after that date to the Administrator for a declaration under subsection 4B (2) of the Superannuation Ordinance;
- (d) that person had already been so employed for a period of not less than ten years or the Administrator was satisfied that that person's employment was likely to be continued for a period which when added to the period during which that person had already been employed would result in the person having been employed for a period of not less than ten years; and
- (e) the Administrator had, by notice in the *Papua New Guinea Government Gazette*, declared that that person shall be deemed to be an employee within the meaning of section 4 of the Superannuation Ordinance;

that person shall be deemed to be an employee within the meaning of these Regulations.

7 Employment by approved authority

Where a person employed by the Papua New Guinea Electricity Commission was required by the terms of his employment to give the whole of his time to the duties of his office and:

- (a) that person had, immediately before the commencement of these Regulations, been employed on such terms by the Administration of Papua New Guinea or that Commission, or both, for a continuous period of not less than three years

Regulation 8A

and that Commission certified that that person's employment was likely to be continued, in the case of a male, until he reaches the age of fifty-five years or, in the case of a female, until she reaches the age of fifty years;

- (b) that person was, immediately before commencing his employment with that Commission, and had been for not less than six months, a contributor to a State Fund as defined in section 78 of the Superannuation Ordinance, or a Public Service Superannuation Fund as defined in section 82A of that Ordinance; or
- (c) the Administrator had, by notice in the *Papua New Guinea Government Gazette*, on the recommendation of that Commission, directed that that person be deemed to be an employee within the meaning of section 4 of that Ordinance;

that person shall be deemed to be an employee within the meaning of these Regulations.

8 Female employee who marries

A female employee who marries after the commencement of these Regulations shall, for the purposes of these Regulations, be deemed to have resigned on the date of her marriage.

8A Reports for previous years

- (1) The Commissioner shall, as soon as practicable, prepare a report on the operations of the Superannuation Board during the year ended on 30 June 1973 and on the general administration and operation of Parts V, VI and IX of the Act during each relevant financial year, and furnish the report to the Minister.
- (2) The Minister shall cause a copy of the Commissioner's report to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.
- (3) In subregulation (1), *relevant financial year* means the year ended on 30 June 1974, the year ended on 30 June 1975 and the year ended on 30 June 1976.

Regulation 8B

8B Review of decisions of Commissioner

- (1) In this regulation, *decision* has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.
- (2) A person who is affected by a decision of the Commissioner under these Regulations and is dissatisfied with the decision may, by notice in writing given to the Commissioner within a period of 30 days after the date on which the decision first comes to the notice of the person, or within such further period as the Commissioner allows, request the Commissioner to reconsider the decision.
- (3) There shall be set out in a request under subregulation (2) the ground on which the request is made.
- (4) Upon receipt of a request under subregulation (2), the Commissioner shall reconsider the decision to which the request relates, and may either confirm the decision or vary the decision in such manner as he thinks fit.
- (5) The Commissioner shall, by notice in writing sent or delivered to the person who made a request under subregulation (2), inform the person of the result of his reconsideration of the decision to which the request relates.
- (6) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Commissioner under these Regulations that have been confirmed or varied under subregulation (4).

Part II Contributions

Division 1 Contributions by continuing contributors

9 Contributions by continuing contributors

- (1) A person who:
 - (a) on or before 1 July 1976, commenced service in pursuance of a contract of employment entered into by him with the Government of Papua New Guinea;
 - (b) was, immediately before the date on which he commenced that service, a contributor within the meaning of these Regulations as in force immediately before the last-mentioned date; and
 - (c) made, on or before the date on which he commenced that service, an election to continue to make contributions for a pension payable under these Regulations;may, subject to subregulation (4), continue, on and after 1 July 1976, to make contributions for a pension payable under these Regulations.
- (2) An election referred to in paragraph (1) (c) is irrevocable.
- (3) Contributions under this regulation shall be paid to the Commonwealth.
- (4) A continuing contributor is not entitled to make contributions under this regulation after:
 - (a) the date on which the contract of employment referred to in subregulation (1) entered into by him with the Government of Papua New Guinea is terminated (whether the term of that contract has expired or not); or
 - (b) 30 June 1978;whichever is the earlier.

Regulation 10

Division 2 Scale of units

Subdivision 1 Contributory units

10 Scale of units of pension

- (1) Subject to these Regulations, contributions by an employee shall be for units of pension.
- (2) Subject to these Regulations, the number of units of pension, ignoring any fraction of a unit, for which an employee shall contribute at any time is:
 - (a) in the case of an employee to whom paragraph (b) does not apply:
 - (i) if the salary of the employee does not exceed the prescribed amount — the number of units ascertained in accordance with the formula

$$\frac{A}{130}; \text{ or}$$

- (ii) if the salary of the employee exceeds the prescribed amount — the amount of units ascertained in accordance with the formula

$$\frac{B}{130} + \frac{C}{163}; \text{ or}$$

- (b) in the case of an employee:
 - (i) who became an employee on or after 21 April 1960;
 - (ii) whose salary exceeds Two thousand six hundred dollars; and
 - (iii) the number of years of whose prospective service is less than twenty;the number of units ascertained in accordance with the formula

$$20 + \frac{(60 + 4D)(E - 20)}{100}$$

- (3) For the purpose of the application at any time, in relation to an employee, of a formula contained in subregulation (2):
- (a) *A* is the number of dollars in the salary of an employee at that time;
 - (b) *B* is the number of dollars in the prescribed amount;
 - (c) *C* is the number of dollars in the amount by which the salary of the employee at that time exceeds the prescribed amount;
 - (d) *D* is the number by which the number of years of prospective service of the employee at that time exceeds ten; and
 - (e) *E* is the number of units of pension for which the employee would be required to contribute at that time under paragraph 2 (a) if that paragraph were applicable to him.
- (4) For the purposes of subregulations (2) and (3), the prescribed amount is:
- (a) in relation to any time during the period that commenced on 19 August 1976 and ended on 24 November 1976 — \$15,340;
 - (b) in relation to any time during the period that commenced on 25 November 1976 and ended on 30 March 1977 — \$15,730;
 - (c) in relation to any time during the period that commenced on 31 March 1977 and ended on 25 May 1977 — \$15,990;
 - (d) in relation to any time during the period that commenced on 26 May 1977 and ended on 31 August 1977 — \$16,250;
 - (e) in relation to any time during the period that commenced on 1 September 1977 and ended on 21 December 1977 — \$16,510;
 - (f) in relation to any time during the period that commenced on 22 December 1977 and ended on 1 March 1978 — \$16,770;

Regulation 10

- (g) in relation to any time during the period that commenced on 2 March 1978 and ended on 7 June 1978 — \$16,900; and
 - (h) in relation to any time after 7 June 1978 — \$17,160.
- (5) Subject to these Regulations, a contributor is not eligible or required to begin to contribute for an additional unit of pension as from a date after he has attained the maximum age for retirement.
- (6) The number of units of pension (other than non-contributory units) for which an employee would otherwise be required to contribute at any time shall be reduced by the number of units of pension (if any) by which the number of units of pension (including non-contributory units) to which he was entitled immediately before that time exceeds the aggregate of:
 - (a) the number of units of pension for which he was then a contributor; and
 - (b) the number of non-contributory units that were then applicable to him.
- (7) Where the salary of an employee whose requirement to contribute is reduced under subregulation (6) is increased and the employee does not make an election under regulation 11, he may, within twelve months from the date upon which payment of the increased salary rate is approved or twelve months from the date upon which salary at the increased rate becomes payable, whichever is the later, elect to contribute for such number of additional units of pension (not being non-contributory units) as, together with the aggregate of:
 - (a) the number of units of pension for which he was a contributor immediately before the increase; and
 - (b) the number of non-contributory units that were applicable to him immediately before the increase;does not exceed the aggregate of:
 - (c) the number of units of pension to which he was entitled immediately after the increase; and
 - (d) the number of non-contributory units that were applicable to him immediately after the increase.

Regulation 10

- (8) In calculating entitlement for the purposes of subregulations (6) and (7), no account shall be taken of any election to reduce the number of units except in direct consequence of a reduction in salary.
- (9) An election under subregulation (7) does not have effect unless the employee satisfies the Board, within six months from the date of the election, that he is not suffering from any physical or mental defect (not being a defect that, in the opinion of the Board, is the result of the service of the contributor as a member of the Forces as defined by subregulation 121 (2)) likely to render him incapable of performing his duties before attaining the maximum age for retirement.
- (11) Any additional contribution payable by reason of an election under subregulation (7) is payable as from the date of the election.
- (12) Subject to subregulation (13), where an employee:
 - (a) who became an employee on or after the date of commencement of the *Superannuation (Papua and New Guinea) Ordinance 1960*; and
 - (b) to whom regulation 32 applies;
ceases to be an employee at an earlier age than his selected retiring age:
 - (c) that earlier age shall be deemed to have been his selected retiring age; and
 - (d) where necessary by reason of reduction of the number of years of prospective service, the aggregate of the number of units of pension for which he was required to contribute and the number of non-contributory units which were applicable to him shall be deemed to have been reduced accordingly, in reverse order of the order of acquisition of entitlement.
- (13) In the case of an employee:
 - (a) who became an employee on or after the date of commencement of the *Superannuation (Papua and New Guinea) Ordinance 1960*; and
 - (b) to whom subregulation 9 (6) applies;
then:

Regulation 11

- (c) the age approved by the Board under that subregulation shall be deemed to be his selected retiring age; and
 - (d) where necessary by reason of the reduction of the number of years of prospective service, the aggregate of the number of units of pension for which he was required to contribute and the number of non-contributory units which were applicable to him shall be deemed to have been reduced accordingly, in reverse order of the order of acquisition of entitlement.
- (14) For the purposes of this regulation:
- (b) the selected retiring age of an employee is, subject to subregulation (13):
 - (i) in the case of an employee who has made an election under regulation 16 — the age of fifty-five years in the case of a male officer or fifty years in the case of a female officer; and
 - (ii) in any other case — the age of sixty years in the case of a male officer or fifty-five years in the case of a female officer;
 - (c) subject to paragraph (d), the number of years of prospective service of an employee is the number of complete years between the date upon which he became an employee within the meaning of the Superannuation Ordinance and the date upon which he will attain his selected retiring age; and
 - (d) in the case of an employee who had paid to the Board, under section 82B of the Superannuation Ordinance, an amount refunded to him from a Public Service Superannuation Fund as defined in section 82A of that Ordinance, the number of years of his prospective service shall be calculated having regard to the period during which he was a contributor to that Fund.

11 Election to reduce to minimum number of units

Where, whether before or after the commencement of the *Superannuation (Papua and New Guinea) Ordinance 1960*, a contributor became or becomes liable to contribute for or in respect of a unit or units of pension such that the total number

Regulation 13

of units for or in respect of which he was or is liable to contribute is greater than the minimum number of units, he may, within six months after the date on which he became or becomes liable to contribute for the first-mentioned unit or units, elect to reduce the number of units for or in respect of which he is liable to contribute to a number of units not less than:

- (a) the minimum number of units; or
- (b) the number of units for or in respect of which he was contributing immediately before he became liable to contribute for or in respect of the first-mentioned unit or units;

whichever is the greater.

12 Contributor reduced in salary

- (1) Where the salary of a contributor is reduced, and the number of units of pension to which he was entitled immediately after the reduction is less than the number of units of pension to which he was entitled immediately before the reduction, he may elect to reduce the number of units of pension for or in respect of which he shall contribute to a number of units not less than that first-mentioned number of units.
- (2) In calculating entitlement for the purposes of subregulation (1), no account shall be taken of any election to reduce the number of units except in direct consequence of a reduction in salary.
- (3) Nothing in subregulation (1) applies to or in respect of non-contributory units.

Subdivision 2 Non-contributory units

13 Right to non-contributory units

- (1) Where a contributor makes an election under regulation 11, he may at the same time elect that some or all of the number of units by which he has elected to reduce his liability to contribute shall be applicable to him as non-contributory units.

Regulation 14

- (2) Where a pensioner fails to make an election to contribute for additional units of pension under subregulation 9 (7), a number of non-contributory units equal to the number of those additional units is applicable to him.
- (3) Subject to subregulation (4), where immediately before the commencement of the *Superannuation (Non-contributory Units) Ordinance 1971* the number of units of pension for or in respect of which a contributor was otherwise liable to contribute was reduced by virtue of an election under regulation 11, he may, within six months after that commencement, elect that some or all of the number of units by which his liability to contribute was so reduced shall be applicable to him as non-contributory units.
- (4) An election under subregulation (3) does not have effect unless the contributor satisfies the Board that he is not suffering from any physical or mental defect (not being a defect that, in the opinion of the Board, is the result of the service of the contributor as a member of the Forces as defined in subregulation 121 (2)) which is likely to render him incapable of performing his duties before attaining the maximum age for retirement.
- (5) Notwithstanding anything contained in these Regulations, non-contributory units do not become available to a contributor by reason of an increase in salary received after and as from a date after he attains:
 - (a) in the case of a male contributor — the age of sixty years; and
 - (b) in the case of a female contributor — the age of fifty-five years.

14 Non-contributory units not available for conversion

Notwithstanding anything contained in these Regulations, where, by virtue of an election under regulation 13, non-contributory units are available to a contributor:

- (a) those units are not available to become fully paid-up units;
- (b) his right and liability to contribute for or in respect of units of pension is and shall remain reduced by the number of non-contributory units; and

- (c) subregulation 10 (7) does not apply to or in relation to the number of those non-contributory units.

Division 3 Scale of contributions by employees

15 Contributions by employees

- (1) Subject to these Regulations, the amount of contribution to be paid by an employee is an amount ascertained in accordance with Schedule 1 or Schedule 2, whichever is applicable.
- (2) The amount of contribution to be paid by an employee who had elected that section 29C of the Superannuation Ordinance should not apply to him is, in respect of:
 - (a) units of pension in respect of which the obligation to contribute came or comes into existence on or after the date of commencement of the *Superannuation (Papua and New Guinea) Ordinance 1960*; or
 - (b) reserve units of pension for which he elected or elects to contribute on or after that date;an amount ascertained in accordance with the rates of contribution specified in Schedule 3.
- (3) Contribution is not payable for or in respect of non-contributory units.

16 Contribution for full pension at 55 years or 50 years of age

- (3) A contributor who made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976 is entitled, upon retirement on attaining the age of fifty-five years or fifty years, as the case may be, to receive full pension according to the number of units for which he was contributing at the time of his retirement, plus the value of any non-contributory units that were applicable to him at the time of his retirement, ascertained in accordance with regulation 45.

Regulation 17

- (4) Where a contributor who made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976 does not retire upon attaining the age of fifty-five years or of fifty years, as the case may be, the contributor shall not be required to make contributions after attaining the maximum age for retirement and is not entitled to receive pension until retirement.
- (5) The Board shall make such adjustment of contributions as, in its opinion, is necessary by reason of the election of a contributor to contribute at rates based on a retiring age of fifty-five years or fifty years, as the case may be.

17 Election to contribute for additional unit at 60 years of age

- (1) Subject to these Regulations, a contributor who made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976 and becomes eligible or is required to contribute for an additional unit or units of pension in pursuance of these Regulations may, within six months from the date upon which the increased contribution becomes payable, elect to contribute for that additional unit or those additional units, at the appropriate rate based on a retiring age of sixty years in the case of a male or fifty-five years in the case of a female.
- (2) A contributor who:
 - (a) made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976 to contribute at rates based on a retiring age of fifty-five years or fifty years, as the case may be;
 - (b) has attained that age but has not attained the age of sixty years or fifty-five years, whichever is appropriate; and
 - (c) but for the provisions of subregulation 10 (5), would have been eligible or required to contribute for an additional unit of pension;may, within six months from the date upon which, but for subregulation 10 (5), the increased contribution would have become payable, elect to contribute for that additional unit at

Regulation 18

the appropriate rate based on a retiring age of sixty years or fifty-five years, whichever is appropriate.

- (3) Where a contributor has made an election under subregulation (1) or (2):
 - (a) any further additional unit of pension for which he commences to contribute after that election shall be at the appropriate rate based on a retiring age of sixty years in the case of a male, or of fifty-five years in the case of a female; and
 - (b) the maximum age for retirement of that contributor is, in respect of the additional units of pension in relation to which this regulation applies, sixty years in the case of a male or fifty-five years in the case of a female.

Division 4 Contributions for additional benefits for widows

18 Additional contributions by existing contributors

- (1) In this regulation:
 - (a) references to a contributor are references to a male contributor whose obligation to contribute to the Superannuation Fund came into existence before the commencement of the *Superannuation (Papua and New Guinea) Ordinance 1960*; and
 - (b) references to a unit of pension include references to a reserve unit of pension and a fraction of a unit of pension, but do not include references to a non-contributory unit.
- (2) A contributor who has not made an election under subsection 29C (2) of the Superannuation Ordinance shall make such contributions (if any) to the Superannuation Fund as are specified in Schedule 4.
- (3) Contributions by a contributor who has not made an election under subsection 29C (2) of the Superannuation Ordinance, being contributions in respect of:

Regulation 19

- (a) units of pension in respect of which the obligation to contribute comes into existence on or after the date of commencement of these Regulations; or
 - (b) reserve units of pension for which such a contributor elects to contribute on or after that date;
- shall be at the rates of contribution specified in Schedule 1 or Schedule 2, whichever is applicable.
- (4) Contributions payable under subregulation (2) are in addition to any other contributions payable by the contributor.

19 Cessation of additional contributions under previous sections

- (1) The succeeding provisions of this regulation have effect in respect of contributions under regulation 18.
- (2) The contributor shall, subject to subregulation (3), be liable to pay the contributions in respect of each unit of pension until immediately after the last fortnightly payment before he ceases to be an employee.
- (3) In the case of a contributor whose initial payment in respect of the contributions in respect of a unit of pension is made within twelve months before, or at any time after, he attains the maximum age for retirement, he shall pay those contributions until he ceases to be an employee by reason of his death or retirement on the ground of invalidity or physical or mental incapacity to perform his duties, or until he has paid twenty-six contributions, whichever first happens.

Division 5 Reserve units of pension

21 Conversion of reserve units to active units

- (1) Where a contributor who is contributing for one or more reserve units of pension becomes eligible or is required to contribute for one or more additional units of pension in pursuance of these Regulations, he may elect to convert to units of pension a number of reserve units of pension not exceeding the number of those additional units of pension.

Regulation 22

- (2) Where a contributor so elects, no further contributions shall be paid in respect of the reserve units of pension to which the election applies, and the contributions payable by the contributor in respect of so many of the additional units of pension as is equal to the number of those reserve units of pension shall be at the same rate as the contributions paid in respect of those reserve units of pension.
- (3) An election under subregulation (1) does not have any effect in relation to a reserve unit if it purports to be made in respect of a non-contributory unit.

22 Discontinuance of contributions

- (1) A contributor who is contributing for one or more reserve units of pension may elect to discontinue his contributions in respect of any or all of those units, in which case he shall be paid 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, less the amount, if any, of a refund paid or payable to the contributor by virtue of the provisions of the *Superannuation (Papua and New Guinea) Ordinance 1959*.
- (2) 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 or to his personal representatives the amount of those contributions, together with compound interest on those contributions at the specified rate from the respective dates of payment, less the amount, if any, of a refund paid or payable to the contributor or his personal representatives by virtue of the provisions of the *Superannuation (Papua and New Guinea) Ordinance 1959*.
- (3) For the purposes of this regulation, ***the specified rate*** means, in relation to any period, a rate determined by the Board in respect of that period.

Regulation 23

Division 6 Miscellaneous

23 Preservation of rights of certain former employees to contribute

Where a person:

- (a) at any time during the period commencing on 1 July 1975 and ending on 30 June 1976, commenced service in pursuance of a contract of employment entered into by him with the Government of Papua New Guinea;
- (b) was, immediately before the date on which he commenced that service, a contributor within the meaning of these Regulations as in force immediately before the last-mentioned date; and
- (c) in pursuance of an election made by him, continued, on and after the date on which he commenced that service, to make contributions for a pension payable under these Regulations;

that person shall be deemed to have been entitled to so continue to make those contributions.

Part III Pensions and benefits

Division 1 Grant of pensions and benefits

Subdivision 1 Contributory units

26 Application of Subdivision 1

This Subdivision applies to and in respect of units of pension other than non-contributory units.

27 Disregard of reserve and non-contributory units

In calculating additional pensions or benefits under this Subdivision, no regard shall be had to reserve units, as such, in respect of which contributions are being made, or to non-contributory units.

29 Pension unit

The unit of pension is Ninety-one dollars per annum.

30 Amount of pension on retirement on or after maximum age for retirement

- (1) Where a contributor retires on or after attaining the maximum age for retirement, he shall be entitled to receive a pension according to the number of units in respect of which his contributions had been fully paid.
- (2) Where a contributor, being a male, retires not less than one year after attaining the maximum age for retirement, the pension payable to him in accordance with subregulation (1) shall be increased by an amount ascertained by multiplying the portion of the pension equivalent to the contributions made by him by a percentage ascertained in accordance with the following table:

Regulation 30

Maximum Age for Retirement — 55 years		Maximum Age for Retirement — 60 years	
Age Attained on Retirement	Percentage	Age Attained on Retirement	Percentage
56 years	6	61 years	6
57 years	12	62 years	13
58 years	18	63 years	20
59 years	25	64 years	28
60 years or over	33	65 years or over	37

- (3) Where a contributor, being a female, retires not less than one year after attaining the maximum age for retirement, the pension payable to her in accordance with subregulation (1) shall be increased by an amount ascertained by multiplying the portion of the pension equivalent to the contributions made by her by a percentage ascertained in accordance with the following table:

Maximum Age for Retirement — 50 years		Maximum Age for Retirement — 55 years	
Age Attained on Retirement	Percentage	Age Attained on Retirement	Percentage
51 years	6	56 years	6
52 years	12	57 years	12
53 years	18	58 years	19
54 years	25	59 years	27
55 years or over	32	60 years or over	35

- (4) Where a male contributor who has attained the maximum age for retirement dies before retirement and is survived by a widow, the pension that would be payable to the widow under the provisions of these Regulations other than this regulation shall be increased by an amount ascertained by multiplying that portion of the pension that is equivalent to the contributions made by her husband by the percentage that would have been

Regulation 32

applicable under subregulation (2) in relation to his pension, if he had retired immediately before his death.

- (6) For the purposes of this regulation, a contributor who resigns on or after attaining the maximum age for retirement, or whose services are terminated by reason of the fact that he has attained that age, shall be deemed to have retired.
- (7) Subregulations (2), (3) and (4) do not apply to or in relation to a contributor to whom regulation 32 applies.

31 Increased benefit for certain contributors

- (1) A contributor who becomes a pensioner under regulation 30 or 34 is entitled to receive, in addition to his pension:
 - (a) an amount calculated at the rate of Two dollars per unit of pension for each complete financial year during the period commencing on 1 July 1957 and ending on 30 June 1967 for which the contributor paid contributions for that unit; and
 - (b) an amount calculated at the rate of Three dollars per unit of pension for each complete financial year commencing with the financial year that commenced on 1 July 1967 for which the contributor paid contributions for that unit.
- (2) For the purposes of this regulation, a contributor who has completed payments for a unit of pension shall be deemed to be contributing for that unit.

32 Early retirement

- (1) Subject to Divisions 2 and 3 of Part III and to subregulation (2), a male contributor who retires after attaining the age of fifty years or a female contributor who retires after attaining the age of forty-five years and before attaining the maximum age for retirement, other than upon the ground of invalidity or physical or mental incapacity to perform his or her duties, shall be entitled, as from the date of retirement, to the pension which is certified by the Commonwealth Actuary to be four and one-fifth times the actuarial equivalent of the amount obtained by deducting from the contributions made by the contributor the amount, if any, of a refund paid or payable to the contributor by

Regulation 33

virtue of the provisions of the *Superannuation (Papua and New Guinea) Ordinance 1959*.

- (2) A contributor to whom subregulation 9 (6) applies is entitled, as from the date of retirement, to the pension referred to in that subregulation.

33 Reduction of benefits in certain cases

- (1) A contributor who became a pensioner under section 41 or 44 of the Superannuation Ordinance on or before 30 June 1967 is entitled to be paid an amount equal to the amount specified in subregulation 31 (1) reduced:
- (a) by four-tenths of one per centum for each calendar month or part of a month for the first thirty-six months remaining between the date of his becoming a pensioner and the earliest date on which he could have received a pension under regulation 30; and
 - (b) after that, by three-tenths of one per centum for each calendar month or part of a month remaining in excess of those thirty-six months.
- (2) Subject to subregulation (3), a contributor who became or becomes a pensioner under regulation 32 or 36 after 30 June 1967 is entitled to be paid an amount equal to the amount specified in subregulation 31 (1), reduced by four and three-quarters per centum for each complete year (calculated from the date of retirement) between the date of his retirement and the date on which he would have reached the maximum age for retirement.
- (3) An amount payable under subregulation (2) shall not be less than two-thirds of the amount that he would have received if the amount to which he would have been entitled under that subregulation had not been reduced in accordance with that subregulation.
- (4) Where a pensioner is receiving a pension under regulation 32, the additional pension payable under subregulation 37 (1) or subsection 44B (2) of the Superannuation Ordinance shall be reduced by the proportion A/B where:

Regulation 35

A is the actuarial equivalent pension payable to the pensioner; and

B is the amount of annual pension that would have been payable to him if, upon retirement, he had become entitled to receive a pension under regulation 30 according to the number of units of pension for which he was contributing at the time of his retirement or resignation.

34 Premature termination of contract through invalidity — amount of pension

- (1) Subject to subregulation (2), when a contract of employment that a continuing contributor has entered into with the Government of Papua New Guinea is terminated on the ground of his invalidity or his physical or mental incapacity to perform his duties, he is entitled to the full pension for which he was contributing at the time of the termination.
- (2) If the invalidity or incapacity referred to in subregulation (1) is due, in the opinion of the Board, to wilful action on the part of the contributor for the purpose of obtaining pension, he is entitled only to a refund of the contributions paid by him, reduced by:
 - (a) the amount of any interest payable by the contributor under regulation 114; and
 - (b) the amount of any refund paid or payable to him by virtue of the *Superannuation (Papua and New Guinea) Ordinance 1959*.

35 Pensions to widows and children in certain cases

- (1) A pension shall, subject to this regulation, be paid to the widow of a person referred to in the first column of Schedule 5, as follows:
 - (a) during her own life, a pension at the rate specified in the second column of that Schedule opposite to the reference to that person in the first column; and
 - (b) in respect of each of her or of that person's children who is under the age of 16 years or is a student child (other than a child or student child of her re-marriage):

Regulation 35

- (i) where there are less than 3 such children or student children — a pension at the rate per annum equal to $\frac{11}{67}$ of the annual rate of pension to which the widow is entitled under this regulation; and
 - (ii) in any other case — a pension at the rate per annum equal to the amount ascertained by dividing $\frac{33}{67}$ of the annual rate of pension to which the widow is entitled under this regulation by the total number of children and student children.
- (2) Notwithstanding the provisions of paragraph (1) (b), where the annual rate of pension payable on a day under that paragraph in respect of a child or student child is less than \$208, the annual rate of pension so payable on that day in respect of that child or student child is increased by an amount equal to the difference between the first-mentioned rate and the rate of \$208 per annum.
- (3) Where, on 1 July 1979, a widow was entitled to a pension under paragraph (1) (a), the annual rate of that pension shall, on and after 12 July 1979, be increased by an amount ascertained by multiplying the annual rate of pension to which the widow would, but for this subregulation, be entitled on 12 July 1979 by 0.072.
- (4) On the death of a widow who was in receipt of a pension under this regulation, pension is payable in respect of each child or student child referred to in paragraph (1) (b) as follows:
 - (a) where there is 1 such child or student child — at an annual rate equal to $\frac{45}{67}$ of the prescribed pension;
 - (b) where there are 2 such children or student children — at an annual rate equal to $\frac{40}{67}$ of the prescribed pension;
 - (c) where there are 3 such children or student children — at an annual rate equal to $\frac{30}{67}$ of the prescribed pension; and
 - (d) where there are 4 or more such children or student children — at an annual rate ascertained by dividing $\frac{100}{67}$ of the prescribed pension by the number of children and student children.

Regulation 38

- (5) Notwithstanding the provisions of subregulation (4), the annual rate of pension payable under a paragraph of that subregulation shall not in any case be less than whichever is the greater of:
 - (a) \$520; or
 - (b) the sum of \$208 and $\frac{1}{4}$ of the prescribed pension.
- (6) In subregulations (4) and (5), *prescribed pension*, in relation to a rate of pension payable on a day in respect of a child or student child, means the annual rate of pension to which the widow would, but for her death, have been entitled on that day.
- (7) In paragraph (1) (b) and subregulations (3) and (6), the reference to pension to which the widow is entitled under this regulation does not include a reference to pension payable to the widow in respect of a child or student child.

37 Additional benefits for certain pensioners

- (1) A pensioner, other than a widow or child pensioner, who became entitled to a pension before 30 June 1973, is entitled, in addition to that pension and to any benefits payable under subsection 44A (1), (1A) or (1B) of the Superannuation Ordinance, to receive an additional pension each fortnight at the rate of Four cents in respect of each unit of pension for each complete financial year for which he had been a pensioner during the period commencing on 1 July 1967.
- (2) In the case of a pensioner receiving a pension under regulation 32 or 36, for the purposes of a calculation under subregulation (1), the number of units of pension shall be ascertained by dividing the annual amount of the pension by Ninety-one dollars.

38 Refund of contributions

A continuing contributor who, on:

- (a) the date on which the first contract of employment entered into by him with the Government of Papua New Guinea is terminated; or
- (b) 30 June 1978;

Regulation 40

whichever first occurs, is not entitled to a pension under these Regulations is entitled, in addition to any other amount to which he is entitled under these Regulations, to be refunded an amount equal to the sum of the contributions paid by him since he entered into that contract, plus interest at the rate determined by the Commissioner.

40 Payment of additional sum when contributions refunded

Where, on or after 1 July 1967, a contributor receives or has received a refund of his contributions under regulation 39, he is entitled to be paid an additional sum of:

- (a) Two dollars per unit of pension for each complete year of service during the period that commenced on 1 July 1957 and ended on 30 June 1967; and
- (b) Three dollars per unit of pension for each complete year of service during the period that commenced on 1 July 1967;

less a reduction of four and three-quarters per centum for each complete year between the date of his resignation, retirement or dismissal and the date on which he would reach the maximum age for retirement, subject to a minimum payment of two-thirds of the benefit that would have been payable to him under paragraph (a) or (b).

41 Death of married contributor

- (1) On the death of a married contributor before retirement or resignation, pension shall be paid to his widow as follows:
 - (a) during her own life 67 per cent of the pension for which her husband was contributing, or had completed contributions for, at the time of his death; and
 - (b) in respect of each of her or the contributor's children who is under the age of 16 years or is a student child (other than a child or student child of her re-marriage):
 - (i) where there are less than 3 such children or student children — a pension at the rate per annum equal to 11 per cent of the prescribed pension; and
 - (ii) in any other case — a pension at a rate per annum equal to the amount ascertained by dividing 33 per

Regulation 41

cent of the prescribed pension by the number of children and student children.

- (1A) Notwithstanding the provisions of paragraph (1) (b), where the annual rate of pension payable on a day under that paragraph in respect of a child or student child is less than \$208, the annual rate of pension so payable on that day in respect of that child or student child is increased by an amount equal to the difference between the first-mentioned rate and the rate of \$208 per annum.
- (2) On the death of a widow who was in receipt of a pension under this regulation, pension is payable in respect of each child or student child referred to in paragraph (1) (b) as follows:
- (a) where there is 1 such child or student child — at an annual rate equal to 45 per cent of the prescribed pension;
 - (b) where there are 2 such children or student children — at an annual rate equal to 40 per cent of the prescribed pension;
 - (c) where there are 3 such children or student children — at an annual rate equal to 30 per cent of the prescribed pension; and
 - (d) where there are 4 or more such children or student children — at an annual rate ascertained by dividing the prescribed pension by the number of children and student children.
- (2A) Notwithstanding the provisions of subregulation (2), the annual rate of pension payable under a paragraph of that subregulation shall not in any case be less than whichever is the greater of:
- (a) \$520; or
 - (b) the sum of \$208 and:
 - (i) where there are not more than 4 children or student children — $\frac{3}{4}$ of the relevant pension; and
 - (ii) in any other case — the amount of the relevant pension divided by the number of children and student children.
- (2B) In subregulation (2A), **relevant pension**, in relation to a rate of pension payable on a day in respect of a child or student child, means the annual rate of pension (including any amount

Regulation 41

payable in respect of non-contributory units) to which the widow would, but for her death, have been entitled on that day, other than pension payable to her in respect of a child or student child.

- (3) A widow receiving a pension under this regulation shall be entitled to receive an additional amount by way of pension equal to 67 per cent of the additional benefit to which her deceased husband contributor would have been entitled under the provisions of regulation 37 if he had been a pensioner to whom those provisions applied.
- (4) Where a widow became entitled to a pension after 30 June 1967 but before 1 July 1973 she is entitled to receive an additional pension or a further additional pension, as the case requires, equal to 67 per cent of the additional benefits to which her deceased husband would have been entitled under subregulation 37 (1).
- (5) In the application of subregulations (1) and (3) to the pension or additional benefit of a widow whose husband elected that section 29C of the Superannuation Ordinance should not apply to him, the reference in paragraph (1) (a) to 67 per cent of the pension and the references in subregulations (3) and (4) to 67 per cent of the additional benefits shall be read as references to 54 per cent of the pension and 54 per cent of the additional benefits respectively.
- (6) A pension payable in respect of a widow's or contributor's children under paragraph (1) (b) shall be increased, if a pension under paragraph 46 (1) (b) of the Superannuation Ordinance was being paid on 30 June 1962, by an amount of Fifty cents per fortnight.
- (7) A pension payable under subregulation (2) shall be increased, if the pension payable under subsection 46 (2) of the Superannuation Ordinance was being paid on 30 June 1962, by an amount of One dollar fifty cents per fortnight.
- (8) In subregulations (1) and (2), ***prescribed pension***, in relation to a rate of pension payable on a day in respect of a child or student child, means the annual rate of pension (including any amount payable in respect of non-contributory units) that

would have been payable to the contributor on that day if he had not died but had been in receipt of a pension payable under regulation 34.

42 Death of married pensioner

- (1) On the death of a male pensioner, a pension shall be paid to his widow as follows:
 - (a) during her own life, 67 per cent of the pension payable to her husband at the time of his death; and
 - (b) in respect of each of her or the pensioner's children who is under the age of 16 years or is a student child (other than a child or student child of her re-marriage):
 - (i) where there are less than 3 such children or student children — a pension at the rate per annum equal to 11 per cent of the prescribed pension; and
 - (ii) in any other case — a pension at a rate per annum equal to the amount ascertained by dividing 33 per cent of the prescribed pension by the number of children and student children.
- (1A) Notwithstanding the provisions of paragraph (1) (b), where the annual rate of pension payable on a day under that paragraph in respect of a child or student child is less than \$208, the annual rate of pension so payable on that day in respect of that child or student child shall be increased by an amount equal to the difference between the first-mentioned rate and the rate of \$208 per annum.
- (2) A widow receiving a pension under this regulation shall be entitled to receive additional amounts by way of pension each fortnight equal to 67 per cent of the additional benefits to which her deceased husband pensioner, but for his death, would have been entitled under the provisions of regulation 37.
- (3) In the application of subregulations (1) and (2) to the pension of the widow whose husband elected that section 29C of the Superannuation Ordinance should not apply to him, the references in paragraph (1) (a) and in subregulation (2) to 67 per cent of the pension or benefit, as the case may be, shall be read as references to 54 per cent of that pension or benefit as the case may be.

Regulation 42

- (4) Where additional pension is payable to a widow under subregulation (2) by reason of regulation 37 (1), the calculation of the complete financial year for the purpose of determining the amount payable shall be based:
 - (a) if the deceased husband died after 30 June 1962 and before 1 July 1967 — on the date of his retirement or on 1 July 1962, whichever was the later; and
 - (b) if the deceased husband died after 30 June 1967 and before 1 July 1970 — on the date of his retirement or on 1 July 1967, whichever was the later.
- (5) A pension payable in respect of a widow's or pensioner's children under paragraph (1) (b) shall be increased, if a pension under paragraph 47 (1) (b) of the Superannuation Ordinance was being paid on 30 June 1962, by an amount of Fifty cents per fortnight.
- (6) On the death of a widow who was in receipt of a pension under subregulation (1), pension is payable in respect of each child or student child referred to in paragraph (1) (b) as follows:
 - (a) where there is 1 such child or student child — at an annual rate equal to 45 per cent of the prescribed pension;
 - (b) where there are 2 such children or student children — at an annual rate equal to 40 per cent of the prescribed pension;
 - (c) where there are 3 such children or student children — at an annual rate equal to 30 per cent of the prescribed pension; and
 - (d) where there are 4 or more such children or student children — at an annual rate ascertained by dividing the prescribed pension by the number of children and student children.
- (6A) Notwithstanding the provisions of subregulation (6), the annual rate of pension payable under a paragraph of that subregulation shall not in any case be less than whichever is the greater of:
 - (a) \$520; or
 - (b) the sum of \$208 and:
 - (i) where there are not more than 4 children or student children — $\frac{1}{4}$ of the relevant pension; and

- (ii) in any other case — the amount of the relevant pension divided by the number of children and student children.
- (6B) In subregulation (6A), ***relevant pension***, in relation to a rate of pension payable on a day in respect of a child or student child, means the annual rate of pension (including any amount payable in respect of non-contributory units) that would have been payable to the widow on that day if she had not died but had been in receipt of pension, other than pension payable to her in respect of a child or student child.
- (7) A pension payable under subregulation (6) shall be increased, if the pension payable under subsection 47 (6) of the Superannuation Ordinance was being paid on 30 June 1962, by an amount of One dollar fifty cents per fortnight.
- (8) In subregulations (1) and (6), ***prescribed pension***, in relation to a rate of pension payable on a day in respect of a child or student child, means the annual rate of pension (including any amount payable in respect of non-contributory units) that would have been payable to the pensioner on that day if he had not died.

43 Pension payable in respect of orphans

- (1) On the death of a contributor or a pensioner whose wife is dead or divorced, a pension is payable under these Regulations in respect of each child under the age of 16 years or student child of the contributor or pensioner or of his wife (except a child or student child of her re-marriage), being a child or student child who was dependent on him at the time of his death, as follows:
 - (a) where there is 1 such child or student child — at an annual rate equal to 45 per cent of the prescribed pension;
 - (b) where there are 2 such children or student children — at an annual rate equal to 40 per cent of the prescribed pension;
 - (c) where there are 3 such children or student children — at an annual rate equal to 30 per cent of the prescribed pension; and
 - (d) where there are 4 or more such children or student children — at an annual rate ascertained by dividing the

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prescribed pension by the number of children and student children.

(1A) In subregulation (1), ***prescribed pension*** means:

- (a) in relation to a rate of pension payable on a day in respect of a child or student child of a deceased contributor or of his wife — the annual rate of pension (including any amount payable in respect of non-contributory units) that would have been payable to the contributor on that day if he had not died but had been in receipt of a pension payable under regulation 34; and
- (b) in relation to a rate of pension payable on a day in respect of a child or student child of a deceased pensioner or of his wife — the annual rate of pension (including any amount payable in respect of non-contributory units) that would have been payable to the pensioner on that day if he had not died.

(1B) Notwithstanding the provisions of subregulation (1), the annual rate of pension payable under a paragraph of that subregulation shall not in any case be less than whichever is the greater of:

- (a) \$520; or
- (b) the sum of \$208 and:
 - (i) where there are not more than 4 children or student children — $\frac{1}{4}$ of the relevant pension; and
 - (ii) in any other case — the amount of the relevant pension divided by the number of children and student children.

(1C) In subregulation (1B), ***relevant pension***, in relation to a rate of pension payable on a day in respect of a child or student child, means the annual rate of pension (including any amount payable in respect of non-contributory units) that, but for the death or divorce of the wife referred to in subregulation (1), would have been payable to her on that day, other than pension payable to her in respect of a child or student child.

(2) A pension payable under subregulation (1) shall be increased, if the pension payable under paragraph 48 (1) (a) of the Superannuation Ordinance was being paid on 30 June 1962, by an amount of One dollar fifty cents per fortnight.

- (3) Where the present value, as determined by the Commonwealth Actuary, of a pension or pensions payable on the death of a contributor in pursuance of subregulation (1) is less than the sum obtained by deducting from the contributions made by the contributor any refund paid or payable to the contributor or his personal representatives by virtue of the provisions of the *Superannuation (Papua and New Guinea) Ordinance 1959*, the amount of the difference shall be paid to the personal representatives of the contributor or, failing them, to such persons (if any) as the Board determines.

44 Benefits on death of unmarried contributor

Where a contributor, who is unmarried or is a widower without children under the age of sixteen years or student children, dies before retirement or resignation, the contributions made by him, less the amount if any, of a refund paid or payable to him by virtue of the provisions of the *Superannuation (Papua and New Guinea) Ordinance 1959*, shall be paid to his personal representatives, or, if there are no such representatives, to such persons (if any) as the Board determines.

Subdivision 2 Non-contributory units

45 Value of non-contributory units

- (1) In addition to any pension payable to or in respect of a pensioner to whom, immediately before he ceased to be an employee, a non-contributory unit was applicable, pension shall be paid at the following rate for that unit:
- (a) in the case of a male pensioner who retired on or after attaining the age of sixty years — Sixty-nine dollars thirty-three cents per annum;
 - (b) in the case of a female pensioner who retired on or after attaining the age of fifty-five years — Sixty-nine dollars thirty-three cents per annum;
 - (c) in the case of a male pensioner who retired on or after attaining the age of fifty-five years but before attaining the age of sixty years — an amount per annum certified by the Commonwealth Actuary to be the actuarial equivalent of

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the additional pension which the pensioner would have received under paragraph (a) had he retired on attaining the age of sixty years;

- (d) in the case of a female pensioner who retired on or after attaining the age of fifty years but before attaining the age of fifty-five years — an amount per annum certified by the Commonwealth Actuary to be the actuarial equivalent of the additional pension which the contributor would have received under paragraph (b) if she had retired on attaining the age of fifty-five years;
- (e) in the case of a pensioner who is in receipt of a pension under regulation 34 (1) — Sixty-nine dollars thirty-three cents per annum;
- (f) in the case of a pensioner who is in receipt of a pension under paragraph 36 (1) (b) — an amount per annum certified by the Commonwealth Actuary to be the actuarial equivalent of sixteen twenty-firsts of the pension which the pensioner would have received in respect of that unit had it been a unit of pension:
 - (i) in the case of a non-contributory unit which became applicable to him by virtue of an election under section 27B of the Superannuation Ordinance or regulation 13 — for which the pensioner had been paying contributions as from the date on which he became eligible to contribute for the additional unit of pension in respect of which he made that election; and
 - (ii) in the case of a non-contributory unit which became applicable to him by virtue of a failure to make an election under subsection 25 (5) of the Superannuation Ordinance or subregulation 9 (7) — for which he had made the contributions required by subsection 25 (6) of that Ordinance or subregulation 9 (9);
- (g) in the case of a widow who was entitled to a pension under regulation 41 on 1 July 1979 — \$46.45; and
- (h) in any other case — nil.

- (2) An additional pension payable under subregulation (1) is payable in the same manner and subject to the same conditions as the equivalent pension under Subdivision 1 of this Division.

Division 2 Special provisions on early retirement

46 Application of Division

This Division applies also to the persons referred to in regulation 5.

47 Election to receive full pension on early retirement

- (1) Notwithstanding the provisions of regulations 32 and 45, a male contributor who retires on or after reaching the age of fifty years, or a female contributor who retires on or after reaching the age of forty-five years may elect to receive a pension.
- (2) The pension entitlement is an amount per annum equal to the sum of:
- (a) an amount of Ninety-one dollars multiplied by the number of units to which the contributor was entitled at the time of retirement; and
 - (b) an amount certified by the Commonwealth Actuary to be the actuarial equivalent of the sum of Sixty-nine dollars thirty-three cents multiplied by the number of non-contributory units which would have been applicable to the contributor on reaching sixty years of age in the case of a male contributor or fifty-five years of age in the case of a female contributor.
- (3) The pension shall be payable when the contributor has contributed such amount as the Board determines to enable the pension calculated in accordance with subregulation (2) to be paid to the contributor.
- (4) An amount to be contributed in accordance with subregulation (3) may be paid:
- (a) in a lump sum; or

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- (b) where the relevant contributor has been granted permission under regulation 51, by way of deductions from the fortnightly payments of pension in accordance with that regulation.
- (5) In calculating the number of units to which a contributor is entitled in accordance with paragraph (2) (a), where the contributor became a contributor on or after the date of commencement of the *Superannuation (Papua and New Guinea) Ordinance 1960* and by virtue of his retirement ceases to be a contributor at an earlier age than his selected retiring age:
 - (a) that earlier age shall be deemed to have been his selected retiring age; and
 - (b) where necessary, by reason of reduction of the number of years of prospective service, the aggregate of the number of units of pension for which he was required to contribute and the number of non-contributory units which were applicable to him shall be deemed to have been reduced accordingly, in reverse order to the order of acquisition of entitlement.
- (6) For the purposes of this regulation:
 - (a) the selected retiring age of a contributor is:
 - (i) in the case of a contributor who has made an election under section 29A of the *Superannuation Ordinance* or under regulation 16 — the age of fifty-five years in the case of a male contributor or fifty years in the case of a female contributor; and
 - (ii) in any other case — the age of sixty years in the case of a male contributor or fifty-five years in the case of a female contributor; and
 - (b) the number of years of prospective service of a contributor is:
 - (i) in the case of a contributor who has paid to the Board under section 82B of the *Superannuation Ordinance* an amount refunded to him from a Public Service Superannuation Fund as defined in section 82A of that Ordinance — the number of completed years between the date he became a contributor to

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that Public Service Superannuation Fund and the date upon which he will attain his selected retiring age; and

- (ii) in any other case — the number of complete years between the date he became an employee and the date upon which he will attain his selected retiring age.

48 Additional lump sum benefits for certain contributors on early retirement

- (1) Subject to subregulation (2), a contributor referred to in regulation 47 is entitled to receive, in addition to the pension payable under that regulation, an additional sum of:
 - (a) Two dollars per unit of pension for each complete year of service during the period that commenced on 1 July 1957 and ended on 30 June 1967; and
 - (b) Three dollars per unit of pension for each complete year of service during the period that commenced on 1 July 1967; less an amount that is equivalent to four and three-quarters per centum for each complete year of service between the date of his retirement and the date on which he would reach the maximum age of retirement.
- (2) An amount payable under subregulation (1) shall not be less than two-thirds of the amount that the contributor would have received if the amount to which he had been entitled under that subregulation had not been reduced in accordance with that subregulation.

49 Variation of entitlement

- (1) Where the salary of a contributor referred to in regulation 47 is increased after, but as from a date before, the date of his retirement and the number of units of pension to which he would become entitled if he had been a contributor who had not so retired is greater than the number of units of pension to which he was entitled immediately before his retirement, he may elect to contribute for additional units of pension, but so that the total number of units does not exceed that first-mentioned number of units.

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- (2) In calculating entitlement to additional units of pension, no account shall be taken of any election to reduce the number of units except in direct consequence of a reduction in salary.
- (3) The contributions payable by the contributor for the additional units shall be an amount which in the opinion of the Board is necessary to purchase the additional units if they had been taken into account under regulation 47.
- (4) Upon payment of the amount referred to in subregulation (3), pension in respect of the additional units becomes payable as from the date of retirement.

50 No contribution for additional unit of pension after early retirement

Subject to regulation 49, a contributor who retires is not entitled or required to begin to contribute for an additional unit of pension after he has retired.

51 Payment of contributions by instalments

- (1) Where a contributor referred to in regulation 47 does not pay contributions becoming due in a lump sum as provided for in that regulation, the Board may, upon receiving an application in writing from the contributor, permit the contributions to be paid by way of deductions from the fortnightly payments of pension over such period, not exceeding ten years, as the Board determines on such security as the Board approves.
- (2) The amount to be deducted from the fortnightly payments of pension shall be such amounts as the Board approves.
- (3) Contributions paid by way of deductions from fortnightly payments of pension under this regulation shall be deemed to be contributions in arrear for the purpose of regulation 114.
- (4) Payment of pension to a contributor who has applied to the Board for permission to pay contributions by way of deductions from fortnightly payments of pension shall not commence until permission for that payment has been given in accordance with this regulation.

Division 4 General provisions as to pensions and benefits

57 Additional benefits payable on the death of a contributor

- (1) On the death of a contributor there shall be payable, in addition to the pension or refund of contributions payable under whichever of regulation 41, 43 or 44 is applicable, an amount calculated as being equal to the amount which would be payable under regulation 31 if he was a contributor whose date of retirement was the actual date of his death.
- (2) An amount payable under subregulation (1) shall be paid:
 - (a) in the case of a contributor to whom regulation 41 applies, to the widow and where the widow is deceased then to the personal representative of the widow and where there is no personal representative to such person, if any, as the Board directs;
 - (b) in the case of a contributor to whom regulation 43 applies, to the person entitled to payment of any amount under subregulation 43 (2); or
 - (c) in the case of a contributor to whom regulation 44 applies, to his personal representative, or, if there is no personal representative, to such person, if any, as the Board directs.

58 Certain contributors retired to be deemed on leave of absence

A pensioner in receipt of pension under section 42 of the Superannuation Ordinance or regulation 34 shall, for the purposes of these Regulations, be deemed to be on leave of absence without pay, and:

- (a) shall not be required to contribute in respect of the period of that leave; and
- (b) is not entitled to any additional units of pension or non-contributory units during that period.

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59 Power of Board to require certain pensioners to be medically examined and to furnish information as to employment

- (1) The Board may, by notice in writing to a person who has been retired on pension under section 42 of the Superannuation Ordinance or regulation 34, require that person:
 - (a) to submit himself for medical examination by a medical practitioner nominated by the Board at a time and place specified in the notice;
 - (b) to furnish to the Board, in a statutory declaration or in such other written form as is permitted or required by the notice and within such period as is specified in the notice, such information as is required by the notice with respect to any employment (whether as an employee or on his own account) in which the person has been engaged during such period as is specified in the notice; and
 - (c) to attend such office as is specified in the notice, at the time or within the period specified in the notice, for an interview with a view to employment being found for him.
- (2) A notice to a person under subregulation (1) may be given by delivering it to him personally or by sending it by post addressed to him at his address last known to the Board.
- (3) Where a person fails to comply with a notice given to him under this regulation and does not satisfy the Board that there was reasonable excuse for the failure, the Board may suspend the person's pension.
- (4) Where the Board suspends a person's pension under this regulation because of the person having failed to comply with a notice requiring him to submit himself for medical examination, his pension is not payable in respect of the period that commenced on the day on which he was required by the notice to submit himself for examination, and ends on the day immediately preceding the day on which he submits himself for medical examination at a time and place approved by the Board.
- (5) Where the Board suspends a person's pension under this regulation by virtue of the person having failed to comply with

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a notice requiring him to furnish information to the Board, his pension is not payable in respect of the period that commenced upon the expiration of the period within which he was required by the notice to furnish the information and ends on the day immediately preceding the day on which he furnished the information to the Board.

- (6) The cost of any medical examination carried out for the purposes of this regulation shall be treated as part of the cost of the administration of these Regulations.
- (7) Where the Board suspends a person's pension under this regulation because of his having failed to comply with a notice under paragraph (1) (c), his pension is not payable in respect of the period that commenced on the date on which, or on the expiration of the period within which, he was required by the notice to attend and ends on the day immediately preceding the day on which he attends for interview at that office.

60 Recall to service of pensioner restored to health

- (1) If, in the opinion of the Commissioner, the health of a pensioner to whom a pension under regulation 34 is being paid has become so restored as to enable him to perform duties which, in the opinion of the Commissioner, are suitable to be performed by the pensioner, having regard to the duties performed by him immediately before his retirement, the Commissioner shall so inform such person or authority as the Commissioner considers appropriate with a view to suitable employment being found for the pensioner.
- (2) If suitable employment is offered to a pensioner to whom subregulation (1) applies, at a salary not less than two-thirds of the salary payable, on the date on which the suitable employment is offered to him, in respect of the position, or a comparable position to that, the duties of which he performed immediately before his retirement or at such salary as is agreed upon between him and the person or authority referred to in subregulation (1), the Commissioner may cancel the pension and thereupon it shall cease to be payable.
- (3) In the event of the recurrence of his infirmity, a contributor who has been re-employed by Australia or an approved

Regulation 61

authority shall be entitled to pension at a rate not less than the amount of the pension on which he was first retired.

- (4) If, in the opinion of the Commissioner, the health of a pensioner to whom a pension under regulation 34 is being paid has become so restored as to enable him to perform duties which, in the opinion of the Commissioner, are suitable to be performed by the pensioner, having regard to the duties performed by him immediately before his retirement, and suitable permanent employment under Australia or an approved authority cannot be offered to him, but the pensioner is engaged in temporary employment under Australia, or in other employment (whether as an employee or on his own account), at a remuneration not less than two-thirds of the salary payable, on or at any time after the date on which he became so engaged, in respect of the position, or a comparable position to that, the duties of which he performed immediately before his retirement, the Commissioner may suspend the pension, and thereupon it shall cease to be payable so long as he continues in such employment.
- (5) In the event of the recurrence of the infirmity of the pensioner, or in the event of his ceasing to be so engaged in temporary employment under Australia, or in other employment (whether as an employee or on his own account), he shall, from the date of the recurrence or cessation of such employment, be entitled to pension at a rate not less than that on which he was retired.
- (6) In this regulation ***approved authority*** means an approved authority within the meaning of the *Superannuation Act 1976*.

61 Invalid pensions for females

Where a female contributor, whose services have been terminated on the ground of invalidity or physical or mental incapacity to perform her duties, is married after her services have been so terminated and becomes restored to health, the Board may cancel the pension and thereupon it shall cease to be payable.

62 Imprisonment of pensioner

- (1) Where a male pensioner is sentenced to imprisonment for a period exceeding one month, the Board may cause his pension or any part thereof, to be paid, in such manner and subject to such conditions as the Board directs, during the period of imprisonment to his wife, or if his wife is dead or divorced, for the benefit of such of the children of himself or of his late wife as are under the age of sixteen years or are student children.
- (2) Where a female pensioner is sentenced to imprisonment for a period exceeding one month, the Board may cause her pension or any part thereof, and any pension payable to her in respect of children, to be paid, in such manner and subject to such conditions as the Board directs, during the period of imprisonment, for the benefit of such of the children of the pensioner, or of her late husband, as are under the age of sixteen years or are student children.

63 Insanity of pensioner

- (1) Where a male pensioner is detained as a patient in a hospital for the insane, the Board may cause his pension, or any part thereof, to be paid, during the period of detention, to his wife if alive, or if his wife is dead or divorced, to some person for the benefit of such of the children of the pensioner or of his late wife as are under the age of sixteen years, or are student children in such proportion as the Board thinks fit.
- (2) Where a female pensioner is detained as a patient in a hospital for the insane, the Board may cause her pension, or any part thereof, to be paid, during the period of detention, to some person, in such proportion as the Board thinks fit, for the benefit of such of the children of the pensioner or of her late husband as are under the age of sixteen years or are student children.

64 Payments for children

- (1) Where pensions in respect of children or student children are payable under these Regulations to a widow, the pensions shall, if the widow dies, be payable to the guardian of the children or student children.

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- (2) Notwithstanding anything contained in these Regulations, any money payable in respect of a child under the age of sixteen years or a student child may, at the discretion of the Board, be paid to the guardian of the child or student child or expended by the Board for the benefit of the child or student child.

65 General provisions as to pensions

- (1) Except where otherwise provided in these Regulations, a pension shall, subject to this regulation, be payable during the life of the person entitled thereto.
- (2) Pensions in respect of children (other than student children) shall be payable until they attain the age of sixteen years or die before attaining that age.
- (3) A person who is the widow of a deceased contributor or pensioner and is in receipt of a pension under these Regulations shall, upon re-marriage, cease to be entitled to receive a pension except in respect of children.
- (3A) Nothing in subregulation (3) applies to or in relation to a person whose re-marriage took or takes place on or after 1 July 1979.
- (4) Subject to Part XB, where a male pensioner married after his retirement or resignation, pension shall not, upon the death of the pensioner, be payable to the widow or in respect of any child of the marriage.
- (5) A pension to or in respect of a student child is payable only while the student child is receiving full-time education at a school, college or university.

65A Restoration of widow's pension previously cancelled on re-marriage

- (1) Where:
- (a) a widow's entitlement to pension ceased before 1 July 1979 upon her re-marriage;
- (b) the widow applies to the Commissioner for restoration of the pension; and

- (c) the widow is in necessitous circumstances or, having regard to the widow's general financial circumstances, the restoration of her pension is otherwise warranted;
the Commissioner may, by instrument in writing, direct that the widow's entitlement to pension be restored, with effect from such date, and at such rate, as the Commissioner determines.
- (2) The date determined by the Commissioner:
 - (a) shall not, unless special circumstances exist that justify an earlier date, be a date earlier than the date of the direction; and
 - (b) shall not in any case be a date earlier than 1 July 1979.
- (3) The rate determined by the Commissioner shall not exceed the rate at which pension would have been payable to the widow if the entitlement had not ceased.

66 Instalments of pension

- (1) Pensions shall be paid in fortnightly instalments.
- (2) The fortnightly instalments of pension shall be paid on the Thursday of each fortnight that alternates with the Thursday on which salaries are paid to the officers of the Australian Public Service.
- (3) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.
- (4) The amount of a pension payable in respect of each day shall be one-fourteenth of the amount of a fortnightly instalment.

67 Payment of pensions otherwise than to pensioner

Where, in the opinion of the Board, payment of pension, refund of contributions or other benefit under these Regulations should be made to a person other than the pensioner or beneficiary, the Board may, subject to these Regulations, authorize payment to that person accordingly.

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68 Commencement of pensions or benefits

- (1) Subject to these Regulations, where an employee becomes liable or elects under these Regulations to contribute in respect of any units or additional units, he shall be deemed to be a contributor in respect of those units or additional units as from the date when he becomes liable or elects to contribute, as the case may be.
- (2) Subject to these Regulations, a contributor to whom a non-contributory unit became or becomes applicable by virtue of an election under section 27B of the Superannuation Ordinance or regulation 13 is entitled to any pension accruing by virtue of that unit after the date on which he became eligible to contribute for the additional unit of pension in respect of which he made the election.
- (3) Subject to these Regulations, a contributor to whom a non-contributory unit became or becomes applicable by virtue of a failure to make an election under subsection 25 (5) of the Superannuation Ordinance or subregulation 9 (7) is entitled to any pension payable by virtue of that unit as from his date of retirement.

Part VI Application of these Regulations to serving employees

84 Application of Regulations to serving employees

- (1) Subject to this Part, the provisions of these Regulations apply to serving employees.
- (2) In the application of these Regulations to serving employees:
 - (a) the period for which a contributor was, before the commencement of these Regulations, a contributor under the Superannuation Ordinance or any previous law of Papua or New Guinea relating to superannuation shall be deemed to be a period for which the employee was a contributor under these Regulations; and
 - (b) wherever reference is made to the contributions of an employee, the reference shall include all contributions which have been made by him, before the commencement of these Regulations, under the Superannuation Ordinance or any previous law of Papua or New Guinea relating to Superannuation and the reserve value of which has been paid into the Superannuation Fund under the provisions of section 77 of the Superannuation Ordinance.

85 No variation of elections by serving employees

An employee referred to in section 74 of the Superannuation Ordinance is not permitted to vary an election he has made or is deemed to have made under that section.

86 Benefits for serving employee who became a contributor

- (1) Subject to these Regulations, where a serving employee referred to in section 75 of the Superannuation Ordinance made an election under section 74 of that Ordinance to become a contributor under that Ordinance:

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- (a) he shall be deemed to be a contributor for the units granted to him under paragraph 75 (1) (a) or subsection 75 (3B) of that Ordinance, and he shall continue to contribute for those units; and
 - (b) the provisions of section 75 of that Ordinance shall continue to apply to him, *mutatis mutandis*, in so far as they are applicable.
- (2) Such an employee is not permitted to vary an election he made or was deemed to have made under section 74 of the Superannuation Ordinance.

Regulation 87

Part VII Application of these Regulations to certain former State employees

87 Application of Regulations to certain former State employees

- (1) Subject to this regulation, these Regulations apply to and in relation to a former State employee as defined in section 78 of the Superannuation Ordinance who elected to contribute to the Superannuation Fund under section 80 of that Ordinance.
- (2) The provisions of section 81 of the Superannuation Ordinance continue to apply, *mutatis mutandis*, to and in relation to such a contributor in so far as they are applicable.

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**Part VIII Special provisions in relation
to certain former contributors
to Public Service
Superannuation Funds**

**88 Former contributors to Public Service
Superannuation Funds**

- (1) Subject to this regulation, these Regulations apply to and in relation to any of the employees referred to in Part VIIIA of the Superannuation Ordinance.
- (2) The provisions of Part VIIIA of the Superannuation Ordinance and regulation 14 of the Superannuation Regulations 1970 under that Ordinance continue to apply, *mutatis mutandis*, to and in relation to such an employee in so far as they are applicable.

Part X Pension increases for years 1973 to 1975

103 Interpretation

- (1) In this Part, unless the contrary intention appears:

pension means a pension other than a pension payable:

- (a) in respect of a child;
- (b) in pursuance of subregulation 125 (4A) to a person to whom a pension is payable under the *Superannuation Act 1922*; or
- (c) in pursuance of regulation 42 on the death of a person who was, immediately before his death, entitled to:
 - (i) a pension payable in pursuance of subregulation 125 (4A); and
 - (ii) a pension payable under the *Superannuation Act 1922*.

prescribed year means the year commencing on 1 July 1974 or the year commencing on 1 July 1975.

retirement includes retrenchment.

- (2) Subject to subregulation (3), if at any time, whether before or after the commencement of this Part, the Commonwealth Statistician has published in respect of a particular March quarter or June quarter an all groups consumer price index number for the weighted average of the six State capital cities or an estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia in substitution for an index number or estimate previously published by him in respect of that quarter, the publication of the later index number or estimate shall be disregarded for the purposes of this Part.
- (3) Notwithstanding subregulation (2), if at any time after the commencement of this Part the Commonwealth Statistician changes the reference base for the Consumer Price Index, then, for the purposes of the application of this Part after the change

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takes place, regard shall be had only to index numbers published in terms of the new reference base.

- (4) If the prescribed percentage for the purposes of regulation 104 or 105 is or includes a fraction of one-tenth of one per centum:
 - (a) if that fraction is less than one-half of one-tenth — that fraction shall be disregarded; and
 - (b) if that fraction is not less than one-half of one-tenth — that fraction shall be treated as one-tenth.

104 Increase in certain pensions for 1973-74

- (1) Subject to this Part, if:
 - (a) the all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the March quarter of the year 1973 exceeds the all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the June quarter of the year 1971; and
 - (b) the estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the March quarter of the year 1973 exceeds the estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the June quarter of the year 1971;

a person who was in receipt of a pension immediately before 1 July 1973 is entitled to an increase, as ascertained in accordance with this section, in the amount of the annual pension that was payable to him immediately before that date.
- (2) The increase provided for by subregulation (1) in the amount of the annual pension payable to a person immediately before 1 July 1973 is the prescribed percentage of the non-contributory portion of the amount of the annual pension.
- (3) For the purposes of this regulation, the prescribed percentage is:

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- (a) 1.4 times the percentage ascertained in accordance with the formula $\frac{100 (A - B)}{B}$; or
- (b) the percentage ascertained in accordance with the formula $\frac{100 (C - D)}{D}$;

whichever is the lower percentage, where:

A is the all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the March quarter of the year 1973;

B is the all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the June quarter of the year 1971;

C is the estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the March quarter of the year 1973; and

D is the estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the June quarter of the year 1971.

105 Increases in certain pensions for 1974-75 and later years

- (1) Subject to this Part, if:
- (a) the all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the March quarter of the year immediately preceding a prescribed year exceeds the highest all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the March quarter of any earlier year not being a

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year earlier than the year that commenced on 1 July 1972;
and

- (b) the estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the March quarter of the year immediately preceding that prescribed year exceeds the highest estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the March quarter of any earlier year not being a year earlier than the year that commenced on 1 July 1972;

a person who was in receipt of a pension immediately before the commencement of that prescribed year is entitled to an increase, as ascertained in accordance with this regulation, in the amount of the annual pension that was payable to him immediately before the commencement of that prescribed year.

- (2) The increase provided for by subregulation (1) in the amount of the annual pension payable to a person immediately before the commencement of a prescribed year is the prescribed percentage of the non-contributory portion of the amount of the annual pension.
- (3) For the purposes of this regulation, the prescribed percentage is:
- (a) 1.4 times the percentage ascertained in accordance with the formula

$$\frac{100 (A - B)}{B} ; \text{ or}$$

- (b) the percentage ascertained in accordance with the formula

$$\frac{100 (C - D)}{D} ,$$

whichever is the lower percentage, where:

A is the all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the March quarter of the year immediately preceding the prescribed year;

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B is the highest all groups consumer price index number for the weighted average of the six State capital cities published by the Commonwealth Statistician in respect of the March quarter of any year earlier than the year immediately preceding the prescribed year but not being earlier than the year that commenced on 1 July 1972;

C is the estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the March quarter of the year immediately preceding the prescribed year; and

D is the highest estimate of the seasonally adjusted average weekly earnings per employed male unit throughout Australia published by the Commonwealth Statistician in respect of the March quarter of any year earlier than the year immediately preceding the prescribed year but not being earlier than the year that commenced on 1 July 1972.

106 Non-contributory portion of pension

- (1) For the purposes of this Part, the non-contributory portion of the amount of the annual pension payable to a person at a particular time (in this subregulation referred to as the *relevant time*) is:
 - (a) in a case to which neither paragraph (b) nor paragraph (c) applies, the amount remaining after deducting from the amount of the annual pension:
 - (i) the amount (if any) by which the amount of the annual pension has been increased by virtue of regulation 30 (2) or had been increased by virtue of subsection 40 (2) or (3) of the Superannuation Ordinance;
 - (ii) the amount (if any) by which the amount of the annual pension has been increased by virtue of additional benefits having been paid under regulation 37 or under subsections 44A (1), (1A) or (1B) of the Superannuation Ordinance; and
 - (iii) the amount ascertained by multiplying Twenty-one dollars sixty-seven cents by the number of units of pension (including a fraction of a unit of pension) for

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- which the person, or the husband or wife of the person, as the case may be, was a contributor at the date of his or her retirement;
- (b) in the case of a pension payable in accordance with regulation 32, 35, 36 or 97, or subregulation 125 (4A), so much of the amount of the annual pension as the Board determines having regard to the provisions of paragraph (a); and
 - (c) in the case of a pension payable to a person by virtue of that person being a widow:
 - (i) in the case of a widow whose husband elected that section 29C of the Superannuation Ordinance should not apply to him and did not revoke that election — so much of the amount of the annual pension as is equal to one-half of the non-contributory portion, as ascertained under paragraph (a) or paragraph (b), of the amount of the annual pension that would have been payable to her husband at the relevant time if he had not died; or
 - (ii) in any other case — so much of the amount of the annual pension as is equal to five-eighths of the non-contributory portion, as ascertained under paragraph (a) or paragraph (b), of the amount of the annual pension that would have been payable to the husband of the widow at the relevant time if the husband had not died.
- (2) Where the Board is satisfied that an error or mistake has occurred in, or in connexion with, a determination made by the Board under this regulation, the Board may vary the determination for the purpose of correcting the error or mistake and, where a determination is so varied, the determination has effect, and shall be deemed to have had effect at all times, as so varied.

107 Adjustment of first increase under this part in case of persons who retired after 1 October 1971

- (1) Where a person would, but for this regulation, be entitled to an increase in the amount of the annual pension that was payable to the person immediately before 1 July 1973, and:

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- (a) that pension became payable by reason of the retirement of the person during the period that commenced on 1 October 1971 and ended on 30 June 1973; or
- (b) if the pension was payable to the person as a widow:
 - (i) that pension became payable by reason of the death before retirement of the husband of the person during the period referred to in paragraph (a); or
 - (ii) the pension that was payable to the husband of the person became payable by reason of his retirement during the period referred to in paragraph (a);

the following provisions of this regulation have effect.

- (2) If the retirement or death took place after 15 June 1973, the person is not entitled to the increase.
- (3) If the retirement or death took place on or before 15 June 1973, the amount of the increase is so much only of the amount that, but for this regulation, would have been the amount of the increase as bears to that last-mentioned amount the same proportion as the number of months in the period that commenced on the day after the day on which the retirement or death took place and ended on 30 June 1973 bears to twenty-one.
- (4) If the period referred to in subregulation (3) is less than one month, that period shall be treated as one month.
- (5) If the period referred to in subregulation (3) consists of a number of whole months and a part of a month:
 - (a) where the number of days in that part of a month is less than one-half of the number of days in that month — that part of a month shall be disregarded; and
 - (b) where the number of days in that part of a month is not less than one-half of the number of days in that month — that part of a month shall be treated as a whole month.

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108 Adjustment of increase in case of persons who retired after previous increase granted under this Part

- (1) Where a person would, but for this regulation, be entitled to an increase in the amount of the annual pension that was payable to the person immediately before the commencement of a prescribed year and:
 - (a) that pension became payable by reason of the retirement of the person during the immediately preceding year; or
 - (b) if the pension was payable to the person as a widow:
 - (i) that pension became payable by reason of the death before retirement of the husband of the person during the immediately preceding year; or
 - (ii) the pension that was payable to the husband of the person became payable by reason of his retirement during the immediately preceding year;the following provisions of this regulation have effect.
- (2) If the retirement or death took place after the fifteenth day of June in the immediately preceding year, the person is not entitled to the increase.
- (3) If the retirement or death took place on or before the fifteenth day of June in the immediately preceding year, the amount of the increase is so much only of the amount that, but for this regulation, would have been the amount of the increase as bears to that last-mentioned amount the same proportion as the number of months in the period that commenced on the day after the day on which the retirement or death took place and ended on the thirtieth day of June in the immediately preceding year bears to twelve.
- (4) If the period referred to in subregulation (3) is less than one month, that period shall be treated as one month.
- (5) If the period referred to in subregulation (3) consists of a number of whole months and a part of a month:
 - (a) where the number of days in that part of a month is less than one-half of the number of days in that month — that part of a month shall be disregarded; and

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- (b) where the number of days in that part of a month is not less than one-half of the number of days in that month — that part of a month shall be treated as a whole month.

109 Modification

- (1) In calculating for the purposes of subregulation 41 (2) the amount of the annual rate of the pension that, but for the death of a widow, would, by virtue of subregulation 41 (1), have been payable to the widow or have been so payable but for subregulation 41 (2), any amount by which that amount would have been increased by virtue of the operation of this Part shall be taken into account.
- (2) In calculating for the purposes of subregulation 42 (6) the amount of the annual rate of pension that, but for the death of a widow, would, by virtue of subregulation 42 (1), have been payable to the widow or have been so payable but for subregulation 42 (2), any amount by which that amount would have been increased by virtue of the operation of this Part shall be taken into account.
- (3) In calculating for the purposes of subregulation 43 (1) the amount of the annual rate of the pension that, but for the death or divorce of the wife of a contributor or pensioner would, by virtue of subregulation 41 (1) or subregulation 42 (1), have been payable to the wife, any amount by which that amount would have been increased by virtue of the operation of this Part shall be taken into account.

111 Dates of effect of increases

An increase payable by virtue of this Part in the amount of the annual pension that was payable to a person on the thirtieth day of June in a year applies in relation to the instalment of pension falling due on the first pension pay-day occurring after that day and in relation to all subsequent instalments.

Regulation 111A

Part XA Pension increases on and after 1 July 1976

111A Interpretation

- (1) In this Part, unless the contrary intention appears:

pension means a pension other than a pension payable:

- (a) in respect of a child;
- (b) in pursuance of subregulation 125 (4A) to a person to whom a pension is payable under the *Superannuation Act 1922*; or
- (c) in pursuance of regulation 42 on the death of a person who was, immediately before his death, entitled to:
 - (i) a pension payable in pursuance of subregulation 125 (4A); and
 - (ii) a pension payable under the *Superannuation Act 1922*.

prescribed year means the year commencing on 1 July 1976, and each subsequent year.

Statistician means the Australian Statistician.

- (2) Subject to subregulation (3), if at any time, whether before or after the commencement of this regulation, the Statistician has published in respect of a particular March quarter an all groups consumer price index number for the weighted average of the 8 capital cities in substitution for an index number previously published by him in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this Part.
- (3) If at any time, whether before or after the commencement of this regulation, the Statistician has changed or changes the reference base for the Consumer Price Index, then, for the purposes of the application of this Part after the change took place or takes place, regard shall be had only to index numbers published in terms of the new reference base.

Regulation 111B

- (4) If the prescribed percentage for the purposes of regulation 111B is or includes a fraction of one-tenth of 1 per centum:
- (a) where that fraction is less than one-half of one-tenth — that fraction shall be disregarded; and
 - (b) where that fraction is not less than one-half of one-tenth — that fraction shall be treated as one-tenth.

111B Increases in pensions

- (1) Subject to this Part, if the all groups consumer price index number for the weighted average of the 8 capital cities published by the Statistician in respect of the March quarter of the year immediately preceding a prescribed year exceeds the highest all groups consumer price index number for the weighted average of the 8 capital cities published by the Statistician in respect of the March quarter of any earlier year, not being a year earlier than the year that commenced on 1 July 1985, a person who was in receipt of a pension immediately before the commencement of that prescribed year is entitled to an increase, as ascertained in accordance with this regulation, in the amount of the annual pension that was payable to him immediately before the commencement of that prescribed year.
- (2) The increase provided for by subregulation (1) in the amount of the annual pension payable to a person immediately before the commencement of a prescribed year is the prescribed percentage of the amount of that annual pension.
- (3) For the purposes of this regulation, the prescribed percentage is a percentage ascertained in accordance with the formula:

$$\frac{100 (A-B)}{B}$$

where:

A is the all groups consumer price index number for the weighted average of the 8 capital cities published by the Statistician in respect of the March quarter of the year immediately preceding the prescribed year; and

B is the highest all groups consumer price index number for the weighted average of the 8 capital cities published by the

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Statistician in respect of the March quarter of any year earlier than the year immediately preceding the prescribed year but not being earlier than the year that commenced on 1 July 1985.

**111C Adjustment of increase in case of persons who
become entitled to pension after previous increase**

- (1) Where a person would, but for this regulation, be entitled to an increase in the amount of the annual pension that was payable to the person immediately before the commencement of a prescribed year and:
 - (a) that pension became payable by reason of the retirement of the person during the year immediately preceding that prescribed year;
 - (b) where the pension was payable to the person as a widow:
 - (i) that pension became payable by reason of the death before retirement of the husband of the person during the year immediately preceding that prescribed year; or
 - (ii) the pension that was payable to the husband of the person became payable by reason of the retirement of that husband during the year immediately preceding that prescribed year; or
 - (c) in the case of a pension payable in accordance with regulation 96:
 - (i) if the pension was payable to the person otherwise than as a widow — the pension became payable during the year immediately preceding that prescribed year; or
 - (ii) where the pension was payable to the person as a widow:
 - (A) if a pension in accordance with that regulation was not payable to the husband of the person immediately before his death — the pension became payable during the year immediately preceding that prescribed year; or
 - (B) if a pension in accordance with that regulation was payable to the husband of the

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person immediately before his death — the pension that was payable to that husband became payable during the year immediately preceding that prescribed year;

the following provisions of this regulation have effect.

- (2) If the retirement or death took place, or the pension in accordance with regulation 96 became payable, after 15 June in the year immediately preceding the relevant prescribed year, the person is not entitled to the increase.
- (3) If the retirement or death took place, or the pension in accordance with regulation 96 became payable, on or before 15 June in the year immediately preceding the relevant prescribed year, the amount of the increase is so much only of the amount that, but for this regulation, would have been the amount of the increase as bears to that last-mentioned amount the same proportion as the number of months in the period that commenced on the day after the day on which the retirement or death took place, or the pension in accordance with regulation 96 became payable, and ended on 30 June in that first-mentioned year bears to 12.
- (4) If the period referred to in subregulation (3) is less than 1 month, that period shall be treated as 1 month.
- (5) If the period referred to in subregulation (3) consists of a number of whole months and a part of a month:
 - (a) where the number of days in that part of a month is less than one-half of the number of days in that month — that part of a month shall be disregarded; and
 - (b) where the number of days in that part of a month is not less than one-half of the number of days in that month — that part of a month shall be treated as a whole month.

111D Modification

- (1) In calculating for the purposes of subregulation 41 (2) the amount of the annual rate of the pension that, but for the death of a widow, would, by virtue of subregulation 41 (1), have been payable to the widow, any amount by which that amount would

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have been increased or decreased by virtue of the operation of Part X or this Part shall be taken into account.

- (2) In calculating for the purposes of subregulation 42 (6) the amount of the annual rate of pension that, but for the death of a widow, would, by virtue of subregulation 42 (1), have been payable to the widow, any amount by which that amount would have been increased or decreased by virtue of the operation of Part X or this Part shall be taken into account.
- (3) In calculating for the purposes of subregulation 43 (1) the amount of the annual rate of the pension that, but for the death or divorce of the wife of a contributor or pensioner would, by virtue of subregulation 41 (1) or subregulation 42 (1), have been payable to the wife, any amount by which that amount would have been increased or decreased by virtue of the operation of Part X or this Part shall be taken into account.

111E Date of effect of increases

An increase payable by virtue of this Part in the amount of the annual pension that was payable to a person on 30 June in a year applies in relation to the instalment of pension falling due on the first pension pay-day occurring after that day and in relation to all subsequent instalments.

111EA Adjustment of increased rate

Notwithstanding any other provision of these Regulations, where, because of the operation of another provision of this Part in relation to the prescribed year that commenced on 1 July 1986, the rate at which, but for this regulation, a pension would be payable on 10 October 1986 is higher than it would have been but for the operation of that provision of this Part, the rate at which that pension is payable is decreased, with effect from and including 10 October 1986, by the difference between the first-mentioned rate and the rate that would have been the first-mentioned rate if the prescribed percentage for the purposes of regulation 111B in relation to that prescribed year had been 7.2%.

Regulation 111EB

111EB Pensions payable on or after 20 October 1989 — variation of rate

(1) Where:

- (a) a pension is payable to a person on 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected because of the operation of regulation 111EA;

the rate at which the pension is payable to the person on or after that day is the rate that would apply if regulation 111EA had not been enacted.

(2) Where:

- (a) a person to whom a pension was payable died before 20 October 1989; and
- (b) at any time before that day, the rate at which the pension was payable to the person was affected by the operation of regulation 111EA; and
- (c) because of that person's death, or because of the death of that person and of a person to whom a pension became payable on the death of the first-mentioned person, a pension is payable to another person;

the rate at which the last-mentioned pension is payable to that other person on or after 20 October 1989 is the rate that would apply if regulation 111EA had not been enacted.

Regulation 111F

Part XB Eligibility for certain pensions on and after 1 July 1979

111F Interpretation

- (1) In this Part, unless the contrary intention appears:
- child**, in relation to a male person who has died and:
- (a) was a person referred to in the first column of Schedule 5;
or
 - (b) was, at the date of his death, a contributor or pensioner;
means a person who:
 - (c) is a child of the deceased person;
 - (d) has not attained the age of 16 years, or:
 - (i) has attained the age of 16 years but has not attained the age of 25 years;
 - (ii) is receiving full-time education at a school, college or university; and
 - (iii) is not ordinarily in employment or engaged in work on his own account; and
 - (e) immediately before the deceased person's death:
 - (i) was (except where the person is a child of the widow of the deceased person but not of the deceased person) living with the deceased person;
 - (ii) was wholly or substantially dependent upon the deceased person; or
 - (iii) where the person was born after the deceased person's death — would have been, in the opinion of the Commissioner, living with the deceased person or so dependent if the person had been born before the death of the deceased person;
- not being a child or student child who is entitled to pension in relation to that deceased person otherwise than under this Part.
- widow**, in relation to a person who has died and was, at the time of his death, a pensioner, means:

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- (a) a woman who was legally married to the deceased at the time of his death and who was, at that time, living with him on a permanent and *bona fide* domestic basis;
- (b) a woman who was legally married to the deceased at the time of his death but who was not living with him on a permanent and *bona fide* domestic basis at that time, and who was wholly or substantially dependent upon him at that time;
- (c) a woman who was not legally married to the deceased at the time of his death but who, for a continuous period of not less than 3 years immediately preceding his death, had ordinarily lived with him as his wife on a permanent and *bona fide* domestic basis; and
- (d) a woman who was not legally married to the deceased at the time of his death but who, for a continuous period of less than 3 years immediately preceding his death, had ordinarily lived with him as his wife on a permanent and *bona fide* domestic basis, and who was wholly or substantially dependent upon him at the time of his death;

but does not include:

- (e) a woman who was legally married to the deceased at the time of his death if the marriage took place after he had become a pensioner and after he had attained the age of 60 years unless:
 - (i) the marriage took place not less than 5 years before his death; or
 - (ii) the marriage took place less than 5 years before his death but:
 - (A) the woman had, immediately preceding the marriage, for a continuous period that commenced while the deceased person was a pensioner and not later than 5 years before his death, lived with him as his wife on a permanent and *bona fide* domestic basis;
 - (B) the woman had, immediately preceding the marriage, for a continuous period that commenced not later than 3 years before his death and either before he became a pensioner or before he had attained the age of

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- 60 years, lived with him as his wife on a permanent and *bona fide* domestic basis; or
- (C) the woman had, immediately preceding the marriage, for a continuous period that commenced later than 3 years before his death but either before he became a pensioner or before he had attained the age of 60 years, lived with him as his wife on a permanent and *bona fide* domestic basis and was wholly or substantially dependent upon him at the time of his death;
- (f) a woman who was not legally married to the deceased person at the time of his death if she commenced living with him as his wife on a permanent and *bona fide* domestic basis after he had become a pensioner and after he had attained the age of 60 years unless she had so lived with him for a continuous period of not less than 5 years immediately preceding his death;
- (g) a person who is entitled to pension in relation to that pensioner otherwise than under this Part; or
- (h) a person whose application in relation to that pensioner under regulation 65A has been refused.
- (2) Notwithstanding any other provision of this Part, pension is not payable in respect of:
- (a) a child of a marriage of a deceased pensioner that took place after the pensioner became a pensioner and after he attained the age of 60 years (including a person who became a step child of a pensioner by reason of such a marriage) unless:
- (i) the marriage took place not less than 5 years before the pensioner's death; or
- (ii) the marriage took place less than 5 years before the pensioner's death but the other party to the marriage had lived with the pensioner immediately before the marriage on a permanent and *bona fide* domestic basis for a continuous period:
- (A) that commenced while the deceased person was a pensioner and no later than 5 years before his death;

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- (B) that commenced while the deceased person was a contributor and no later than 3 years before his death; or
 - (C) that commenced while the deceased person was a contributor but later than 3 years before his death and the other party was wholly or substantially dependent upon the deceased person at the time of his death;
- (b) an ex-nuptial child of a deceased pensioner where the child was born after the deceased pensioner had retired and had attained the age of 60 years unless the child's mother had lived with the deceased pensioner immediately before his death on a permanent and *bona fide* domestic basis for a continuous period of not less than:
 - (i) except in a case where subparagraph (ii) or (iii) applies — 3 years;
 - (ii) except in a case where subparagraph (iii) applies — where she was wholly or substantially dependent upon the deceased at the time of his death — any continuous period immediately preceding the deceased person's death; or
 - (iii) where the child's mother had commenced so living with the deceased person after he had become a pensioner and had attained the age of 60 years — 5 years;
- (c) a child who became the adopted child, foster child, or ward of a deceased pensioner after the deceased had become a pensioner and had attained the age of 60 years unless the child had become such a child not less than 5 years before the pensioner's death;
- (d) a child who is a child of a deceased pensioner by reason only of being a child of the widow of the pensioner unless the child's mother had lived with the deceased, immediately before his death, on a permanent and *bona fide* domestic basis for a continuous period of not less than:
 - (i) except in a case where subparagraph (ii) or (iii) applies — 3 years;

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- (ii) except in a case where subparagraph (iii) applies — where she was wholly or substantially dependent upon the deceased at the time of his death — any continuous period immediately preceding the deceased person's death; or
 - (iii) where the child's mother had commenced so living with the deceased person after he had become a pensioner and had attained the age of 60 years — 5 years; or
- (e) a child who is the child of a deceased pensioner by reason only of being a child of the wife of the pensioner (other than a wife who survives him) unless the child's mother had lived with the pensioner, immediately before her death, on a permanent and *bona fide* domestic basis for a continuous period of not less than:
 - (i) except in a case where subparagraph (ii) or (iii) applies — 3 years;
 - (ii) except in a case where subparagraph (iii) applies — where she was wholly or substantially dependent upon the deceased at the time of her death — any continuous period immediately preceding her death; or
 - (iii) where the child's mother had commenced so living with the deceased person after he had become a pensioner and had attained the age of 60 years — 5 years.
- (3) In this Part, a reference to a person being the child of another person includes a reference to the person being an adopted child, an exnuptial child, a foster child, a step child or a ward of the other person or of a spouse of the other person.
- (4) Where a person would, but for a temporary absence or an absence resulting from illness or infirmity, have been living with another person at any time on a permanent and *bona fide* domestic basis, the first-mentioned person shall, for the purposes of this regulation, be deemed to have been living with the other person on a permanent and *bona fide* domestic basis at that time.

Regulation 111G

- (5) In the application of this Part to and in relation to the eligibility of a child or orphan for pension:
 - (a) the reference, in the definition of **widow** in subregulation (1), to a person who was, at the time of his death, a pensioner shall be read as including a reference to a person referred to in the first column of Schedule 5 and to a person who was, at the time of his death, a contributor; and
 - (b) the definition of **widow** in subregulation (1) shall be read as if paragraphs (g) and (h) of that definition were omitted.
- (6) In paragraph (2) (e), the reference to a wife of a pensioner shall be read as if **wife** had a corresponding meaning to **widow**.
- (7) In subregulation (3), the reference to a spouse of another person shall be read as if **spouse** had a corresponding meaning to **widow**.

111G Payment of pension to widow of pensioner who died before 1 July 1979

- (1) Where:
 - (a) a pensioner died before 1 July 1979;
 - (b) the widow of the pensioner applies to the Commissioner for the payment of a pension; and
 - (c) the widow is in necessitous circumstances or, having regard to the widow's general financial circumstances, the payment of a pension is otherwise warranted;the Commissioner may, by instrument in writing, direct that a pension be paid to the widow, with effect from such date, at such rate, and subject to such conditions, as the Commissioner determines.
- (2) The date determined by the Commissioner:
 - (a) shall not, unless special circumstances exist that justify an earlier date, be a date earlier than the date of the direction; and
 - (b) shall not in any case be a date earlier than 1 July 1979.

Regulation 111H

111H Pension not payable in respect of more than one widow

Notwithstanding the provisions of regulation 111G, where, at any time before 1 July 1979, pension was paid to or in respect of the widow of a pensioner under paragraph 42 (1) (a), pension is not payable to or in respect of any other widow of that pensioner.

111J Payment of pension to widow of pensioner who died or dies on or after 1 July 1979

- (1) Where a pensioner died or dies on or after 1 July 1979, pension is payable to his widow with effect from such date, at such rate, and subject to such conditions, as the Commissioner, by instrument in writing, determines.
- (2) The date determined by the Commissioner shall not, unless special circumstances exist that justify an earlier date, be a date earlier than the date of the direction.

111K Payment of child's or orphan's pension

- (1) Where a contributor, a pensioner or a person referred to in Schedule 5 died or dies, pension is payable in respect of a child of the deceased contributor, pensioner or person with effect from such date, at such rate, and subject to such conditions, as the Commissioner, by instrument in writing, determines.
- (2) The date determined by the Commissioner:
 - (a) shall not, unless special circumstances exist that justify an earlier date, be a date earlier than the date of the determination; and
 - (b) shall not in any case be a date earlier than 1 July 1979.

111L Existing pensions not to be affected

The payment of a pension to which a person becomes entitled by virtue of regulation 111G, 111J or 111K does not affect the entitlement of any other person to a pension under these Regulations, being a pension that is payable otherwise than by

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virtue of regulation 111G, 111J or 111K, or the rate of such a pension.

111M Total pensions not to exceed certain rate

- (1) The Commissioner shall not determine a rate of pension in relation to a deceased pensioner under regulation 111G, 111J or 111K if the payment of the pension, or the payment of the pension at the rate that the Commissioner proposes to determine, would result in the aggregate of the rates of pension payable under these Regulations in relation to the deceased pensioner at the date of the determination exceeding the rate of pension to which the deceased pensioner would have been entitled at that date under these Regulations if he had not died.
- (2) The Commissioner shall not determine a rate of pension in relation to a deceased contributor under regulation 111K if the payment of the pension, or the payment of the pension at the rate that the Commissioner proposes to determine, would result in the aggregate of the rates of pension payable under these Regulations in relation to the deceased contributor at the date of the determination exceeding the rate of pension to which the deceased contributor would have been entitled at that date under these Regulations if he had not died but had been entitled at that date to pension under regulation 34.

Regulation 111N

Part XC Entitlements under the Superannuation Ordinance 1928-1955 of the Territory of New Guinea

111N Interpretation

In this Part, unless the contrary intention appears:

officer has the same meaning as in the Ordinance.

Ordinance means the *Superannuation Ordinance 1928-1955* of the Territory of New Guinea.

pensioner has the same meaning as in the Ordinance.

superannuation allowance means superannuation allowance granted under the Ordinance.

the age for retirement has the same meaning as in the Ordinance.

the Service has the same meaning as in the Ordinance.

111O Increase in current superannuation allowance payable in respect of widows

- (1) Where, on 1 July 1979, a widow was entitled to superannuation allowance by virtue of paragraph 18 (a) or 19 (a), or section 19A, of the Ordinance, the annual rate of that allowance shall, on and after 31 July 1979, be increased by an amount ascertained by multiplying the annual rate of superannuation allowance to which the widow would, but for this subregulation, be entitled on 31 July 1979, other than superannuation allowance payable to her in respect of a child, by 0.072.
- (2) On and after 1 July 1979, sections 19 and 19A of the Ordinance apply to and in relation to the payment of superannuation allowance to a widow as if the references in paragraph 19 (a)

Regulation 111Q

and subsection 19A (1) of the Ordinance to one-half were references to 67 per cent.

111P Payment of superannuation allowance after remarriage

- (1) Sections 18 and 19 of the Ordinance apply to and in relation to the payment of superannuation allowance to a widow who remarries on or after 1 July 1979 as if the words ***Provided that if she remarries her allowance shall thereupon cease and determine*** were omitted.
- (2) Where:
 - (a) a widow's entitlement to superannuation allowance by virtue of section 18 or 19 of the Ordinance ceased before 1 July 1979 upon her remarriage;
 - (b) the widow applies to the Commissioner for restoration of the superannuation allowance; and
 - (c) the widow is in necessitous circumstances or, having regard to the widow's general financial circumstances, the restoration of her superannuation allowance is otherwise warranted;the Commissioner may, by instrument in writing, direct that the widow's entitlement to superannuation allowance be restored, with effect from such date, and at such rate, as the Commissioner determines.
- (3) The date determined by the Commissioner:
 - (a) shall not, unless special circumstances exist that justify an earlier date, be a date earlier than the date of the direction; and
 - (b) shall not in any case be a date earlier than 1 July 1979.
- (4) The rate determined by the Commissioner shall not exceed the rate at which superannuation allowance would have been payable to the widow if the entitlement had not ceased.

Regulation 111Q

111Q Increases in payment of child's pension

- (1) From and including 1 July 1979, paragraph 41 (1) (b) applies to and in relation to a child referred to in paragraph 18 (b) of the Ordinance, and paragraph 42 (1) (b) applies to and in relation to a child referred to in paragraph 19 (b) of the Ordinance, as if:
 - (a) the reference in paragraph 41 (1) (b) to the contributor were a reference to the officer; and
 - (b) the references in paragraphs 41 (1) (b) and 42 (1) (b) to the prescribed pension were references to:
 - (i) in the case of a rate of pension payable on a day in respect of a child of a deceased officer — the annual rate of superannuation allowance to which the officer would have been entitled on that day if he had retired immediately prior to his death or if he had not died but had continued in the Service without further increase of salary until he reached the age for retirement, whichever is the higher rate; and
 - (ii) in the case of a rate of pension payable on a day in respect of a child of a deceased pensioner — the annual rate of superannuation allowance that would have been payable to the pensioner on that day if he had not died.
- (2) From and including 1 July 1979, subregulations 41 (2), 42 (6) and 43 (1) apply to and in relation to a child referred to in section 20 of the Ordinance as if:
 - (a) the reference in subregulation 43 (1) to a contributor were a reference to an officer; and
 - (b) the references in subregulations 41 (2), 42 (6) and 43 (1) to the prescribed pension were references to:
 - (i) in the case of a rate of pension payable on a day in respect of a child of a deceased officer — the annual rate to which the officer would have been entitled on that day if he had retired immediately prior to his death or if he had not died but had continued in the Service without further increase of salary until he reached the age for retirement, whichever is the higher rate; or

Regulation 111R

- (ii) in the case of a rate of pension payable on a day in respect of a child of a deceased pensioner — the annual rate of superannuation allowance that would have been payable to the pensioner on that day if he had not died.
- (3) Notwithstanding the provisions of subregulation (1), where the annual rate of pension payable on a day by virtue of that subregulation in respect of a child is less than \$104, the annual rate of pension so payable on that day in respect of that child is increased by an amount equal to the difference between the first-mentioned rate and the rate of \$104 per annum.
- (4) Notwithstanding the provisions of subregulation (2), where the annual rate of pension payable on a day by virtue of that subregulation in respect of a child is less than \$156, the annual rate of pension so payable on that day in respect of that child is increased by an amount equal to the difference between the first-mentioned rate and the rate of \$156 per annum.

111R Widening of eligibility under the Superannuation Ordinance 1928

- (1) From and including 1 July 1979, superannuation allowance or pension is, subject to the provisions of Part XB as applied by regulation 111S, payable under the Ordinance as if:
 - (a) **widow**, in sections 19 and 19A of the Ordinance, in relation to a deceased pensioner within the meaning of the Ordinance, had the same meaning as **widow** in Part XB, in relation to a deceased pensioner within the meaning of these Regulations;
 - (b) **children**, in sections 18, 19 and 20 of the Ordinance, in relation to a deceased officer or pensioner within the meaning of the Ordinance, had a corresponding meaning to **child** in Part XB in relation to a deceased contributor or pensioner within the meaning of these Regulations;
 - (c) the references to pension in the definition of **child**, and in paragraph (g) of the definition of **widow**, in regulation 111F were references to superannuation allowance or pension payable under the Ordinance, other than

Regulation 111S

- superannuation allowance or pension that is payable by virtue of this regulation;
- (d) the reference in paragraph (h) of the definition of **widow** in subregulation 111F (1) to regulation 65A were a reference to regulation 111P; and
 - (e) the second proviso to section 19 of the Ordinance were omitted.
- (2) Nothing in subregulation (1) shall be taken to affect the entitlement to superannuation allowance or pension of a person who:
- (a) was entitled to superannuation allowance or pension immediately before 1 July 1979; or
 - (b) but for subregulation (1), would have become, or would become, entitled to superannuation allowance or pension on or after that date.

111S Application of Part XB in relation to widened eligibility

- (1) Part XB applies to and in relation to the payment of superannuation allowance to a widow, and to the payment of pension to a child, being superannuation allowance or pension that is payable by virtue of regulation 111R.
- (2) In the application of Part XB by virtue of subregulation (1):
 - (a) the reference in regulation 111H to pension payable under paragraph 42 (1) (a) shall be read as a reference to superannuation allowance payable under paragraph 19 (a) of the Ordinance; and
 - (b) the reference in regulation 111L to the entitlement of a person to a pension under these Regulations shall be read as a reference to the entitlement of a person to superannuation allowance or pension under the Ordinance, other than superannuation allowance or pension to which a person is entitled by virtue of regulation 111R.

Regulation 111T

**111T Total superannuation allowance or pension not to
exceed certain rate**

The Commissioner shall not determine a rate of superannuation allowance or pension in relation to a deceased officer or pensioner by virtue of regulation 111R and the application of Part XB if the payment of the allowance or pension, or the payment of the allowance or pension at the rate that the Commissioner proposes to determine, would result in the aggregate of the rates of allowance and pension payable under the Ordinance and these Regulations in relation to the deceased officer or pensioner at the date of the determination exceeding the rate of allowance to which:

- (a) the deceased officer would have been entitled on that date under the Ordinance if he had retired immediately prior to his death or if he had not died but had continued in the Service without further increase of salary until he reached the age for retirement, whichever is the higher rate; or
- (b) the deceased pensioner would have been entitled on that date under the Ordinance if he had not died.

Regulation 111U

Part XD Entitlements under the Superannuation Ordinance

111U Interpretation

In this Part, unless the contrary intention appears:

contributor means an employee within the meaning of the Superannuation Ordinance who contributed under the Ordinance to the Papua New Guinea Superannuation Fund established by that Ordinance.

pensioner has the same meaning as in the Ordinance.

111V Increase in current pension payable in respect of widows

- (1) Where, on 1 July 1979, a widow, not being a widow of the kind referred to in subregulation (2), was entitled to pension by virtue of paragraph 46 (1) (a) or 47 (1) (a) of the Superannuation Ordinance, the annual rate of that pension shall, on and after 12 July 1979, be increased by an amount ascertained by multiplying the annual rate of pension to which the widow would, but for this subregulation, be entitled on 12 July 1979, other than pension payable to her in respect of a child or student child, by 0.072.
- (2) Where, on 1 July 1979, a widow, being a widow of a contributor who had made an election under subsection 29C (2) of the Superannuation Ordinance, was entitled to pension by virtue of paragraph 46 (1) (a) or 47 (1) (a) of that Ordinance, the annual rate of that pension shall, on and after 12 July 1979, be increased by an amount ascertained by multiplying the annual rate of pension to which the widow would, but for this subregulation, be entitled on 12 July 1979, other than pension payable to her in respect of a child or student child, by 0.08.
- (3) On and after 1 July 1979, section 47 of the Superannuation Ordinance applies to and in relation to the payment of pension to a widow as if:

Regulation 111X

- (a) the references in subsections 47 (1), (2) and (3) of that Ordinance to five-eighths were references to 67 per cent; and
- (b) the reference in subsection 47 (3) of that Ordinance to one-half were a reference to 54 per cent.

111W Payment of pension after remarriage

- (1) The provisions of the Superannuation Ordinance relating to the payment of pension to a widow apply to a widow who remarries on or after 1 July 1979 as if subsection 57 (3) of that Ordinance were omitted.
- (2) Where:
 - (a) a widow's entitlement to pension by virtue of paragraph 46 (1) (a) or 47 (1) (a) of the Superannuation Ordinance ceased before 1 July 1979 upon her remarriage;
 - (b) the widow applies to the Commissioner for restoration of the pension; and
 - (c) the widow is in necessitous circumstances or, having regard to the widow's general financial circumstances, the restoration of her pension is otherwise warranted;the Commissioner may, by instrument in writing, direct that the widow's entitlement to pension be restored, with effect from such date, and at such rate, as the Commissioner determines.
- (3) The date determined by the Commissioner:
 - (a) shall not, unless special circumstances exist that justify an earlier date, be a date earlier than the date of the direction; and
 - (b) shall not in any case be a date earlier than 1 July 1979.
- (4) The rate determined by the Commissioner shall not exceed the rate at which pension would have been payable to the widow if the entitlement had not ceased.

111X Increase in payment of child's or orphan's pension

- (1) From and including 1 July 1979, pension is payable to a child or student child referred to in paragraph 46 (1) (b) or (c) or 47

Regulation 111Y

- (1) (b) or (c), subsection 46 (2) or 47 (6) or section 48 of the Superannuation Ordinance as if:
- (a) the child or student child were a child referred to in paragraph 41 (1) (b) or 42 (1) (b), or subregulation 41 (2), 42 (6) or 43 (1), of these Regulations; and
 - (b) the references to contributor and pensioner in sections 46, 47, and 48 of the Superannuation Ordinance were references to a contributor or a pensioner, respectively, within the meaning of these Regulations.
- (2) The provisions of subregulations 41 (1A) and (2A), 42 (1A) and (6A) and 43 (1B) apply to and in relation to a child or student child the rate of pension payable in respect of whom has been altered by reason of the operation of subregulation (1).

111Y Widening of eligibility under the Superannuation Ordinance

- (1) From and including 1 July 1979, pension is, subject to the provisions of Part XB as applied by regulation 111Z, payable under the Superannuation Ordinance as if:
- (a) **widow**, in section 47 of the Superannuation Ordinance, in relation to a deceased pensioner within the meaning of the Ordinance, had the same meaning as **widow** in Part XB, in relation to a deceased pensioner within the meaning of these Regulations;
 - (b) **child**, in sections 46, 47 and 48 of the Superannuation Ordinance, in relation to a deceased contributor or pensioner within the meaning of that Ordinance, had the same meaning as **child** in Part XB in relation to a deceased contributor or pensioner within the meaning of these Regulations;
 - (c) the references to pension, in the definition of **child**, and in paragraph (g) of the definition of **widow**, in regulation 111F were references to pension payable under the Superannuation Ordinance, other than pension that is payable by virtue of this regulation;
 - (d) the reference in paragraph (h) of the definition of **widow** in subregulation 111F (1) to regulation 65A were a reference to regulation 111W; and

Regulation 111ZA

- (e) subsection 57 (4) of the Superannuation Ordinance were omitted.
- (2) Nothing in subregulation (1) shall be taken to affect the entitlement to pension of a person who:
 - (a) was entitled to pension immediately before 1 July 1979; or
 - (b) but for subregulation (1), would have become, or would become, entitled to pension on or after that date.

111Z Application of Part XB in relation to widened eligibility

- (1) Part XB applies to and in relation to the payment of pension to a widow or child, being pension that is payable by virtue of regulation 111Y.
- (2) In the application of Part XB by virtue of subregulation (1):
 - (a) the reference in regulation 111H to pension payable under paragraph 42 (1) (a) shall be read as a reference to pension payable under paragraph 47 (1) (a) of the Superannuation Ordinance; and
 - (b) the reference in regulation 111L to the entitlement of a person to a pension under these Regulations shall be read as a reference to the entitlement of a person to a pension under the Superannuation Ordinance, other than a pension to which a person is entitled by virtue of regulation 111Y.

111ZA Total pension not to exceed certain rate

The Commissioner shall not determine a rate of pension in relation to a deceased contributor or pensioner by virtue of regulation 111Y and the application of Part XB if the payment of the pension, or the payment of the pension at the rate the Commissioner proposes to determine, would result in the aggregate of the rates of pension payable under the Superannuation Ordinance and these Regulations in relation to the deceased contributor or pensioner at the date of the determination exceeding the rate of pension to which:

- (a) the deceased contributor would have been entitled at that date under that Ordinance if he had not died but had been

Regulation 111ZA

entitled at that date to a pension under subsection 42 (1) of that Ordinance; or

- (b) the deceased pensioner would have been entitled at that date under that Ordinance if he had not died.

Part XI Miscellaneous

112 Board may require returns

- (1) The Board may, at any time, require a contributor or pensioner to furnish in a statutory declaration or such other form as is required or permitted by the Board such information as the Board deems necessary for the purpose of any investigation for the purposes of these Regulations.
- (2) A contributor or pensioner who, without reasonable excuse (proof whereof shall lie upon him) fails to furnish the information required of him under these Regulations shall be guilty of an offence.

Penalty: Twenty dollars.

113 Board may require certain evidence

- (1) The Board may require:
 - (a) a pensioner to submit evidence satisfactory to the Board that he is still alive;
 - (b) a pensioner to whom or in respect of whom pension payments are being made under section 42 of the Superannuation Ordinance or regulation 34 and who is employed to submit details of his employer, remuneration, period of employment and sick leave availed of;
 - (c) a person in receipt of a pension under section 43 of that Ordinance to submit evidence satisfactory to the Board that she has not re-married and is not an employee as defined in regulation 4;
 - (d) a person in receipt of a pension under section 46 or 47 of that Ordinance or under regulation 41 or 42 to submit evidence satisfactory to the Board that she has not re-married and, if she is a contributor under these Regulations, that she has not become entitled to receive a pension under these Regulations; and

Regulation 114

- (e) a person in receipt of a pension in respect of a child to submit evidence satisfactory to the Board that the child is alive and in his care and is being maintained by him.
- (2) If evidence is not submitted in accordance with subregulation (1), the Board may suspend payment of the pension until the evidence required is submitted, or may cancel the pension.

114 Interest on arrears

- (1) Interest shall be payable by a contributor on any contributions in arrear, at such rate as is from time to time determined by the Board by notice in the *Gazette*.
- (2) Where, before the commencement of these Regulations, the Board had, under section 85A of the Superannuation Ordinance, by notice in the *Papua New Guinea Gazette*, determined rates of interest, being determinations that were in force immediately before the commencement of these Regulations, those determinations shall, for the purposes of these Regulations, be deemed to be determinations made under this regulation.
- (3) Interest is payable on contributions in arrear as from the dates on which the contributions became or become payable.
- (4) If, after examination of the circumstances relating to the non-payment of any contribution by a contributor the Board is satisfied that it is desirable so to do, the Board may waive payment of all or any part of any interest on the arrears.

115 Elections

- (1) An election required or permitted to be made under these Regulations shall be made in writing.
- (2) Notwithstanding anything contained in these Regulations, where an election under these Regulations has been made after the expiration of the relevant period, and the Board is satisfied that:
 - (a) hardship would accrue to the employee or his dependants if the election were not recognized; and

Regulation 117

(b) in all the circumstances of the case it is desirable that the election should be recognized;

the Board may recognize the election as if it had been made before the expiration of the relevant period.

- (3) In the event of the services of the employee being terminated on the ground of invalidity or physical or mental incapacity to perform his duties within one year after the recognition of an election under subregulation (2), he shall, if the election was to contribute for an additional unit or units, be entitled to a refund of the contributions paid in respect of the additional unit or units, but shall not be entitled to any further payment in respect thereof.

116 Saving of existing elections

- (1) Where, before the commencement of these Regulations, an election was made under any provision of the Superannuation Ordinance, that election shall, whether it was made within the relevant period specified in that provision or was recognized under subsection 87 (2) of that Ordinance, be as valid and effectual for all purposes as it would have been if these Regulations had not been made.
- (2) Without limiting the generality of subregulation (1), the provisions of subsection 87 (3) of the Superannuation Ordinance shall continue to apply to and in relation to an election referred to in that subregulation.

117 Election after retirement of employee

Where:

- (a) it is provided by these Regulations that an election may be made by an employee;
- (b) a person purports to make the election after he ceases to be an employee; and
- (c) the Board is satisfied that:
- (i) hardship would accrue to that person or his dependants if the election were not recognized; and
 - (ii) in all the circumstances of the case it is desirable that the election should be recognized;

Regulation 118

the Board may recognize the election as if it had been made before the person ceased to be an employee and, in the case of an election required to be made within a specified period, as if it had been within that period.

118 Provisions in respect of fraction of a unit

Where, under these Regulations:

- (a) contributions are payable in respect of a fraction of a unit of pension, those contributions shall be in proportion to that fraction; and
- (b) pension is payable in respect of a fraction of a unit of pension, that pension shall be in proportion to that fraction.

120 Refund of contributions

- (1) Where the number of units of pension for or in respect of which a contributor is required to contribute is reduced, any contributions paid by him for or in respect of units of pension in excess of the reduced number of units shall be refunded to him.
- (2) Where one or more non-contributory units are applicable to a contributor in respect of whom a reduction in the number of units of pension is to be applied, the reduction shall be in reverse order of entitlement to units (whether non-contributory or otherwise).

123 Deductions involving fraction of a cent

Where a contribution includes a fraction of a cent amounting to half a cent or more the next higher cent shall be deducted.

124 Saving of existing contributions

- (1) Where, immediately before the commencement of these Regulations, a person was contributing to the Superannuation Fund for a number of units of pension determined under the Superannuation Ordinance at a rate or rates calculated under that Ordinance, he shall, after the commencement of these

Regulation 124

Regulations, and subject to these Regulations, continue to contribute for that number of units at that rate or rates.

- (2) Where, immediately before the commencement of these Regulations, a person was contributing to the Reserve Units of Pension Account for a number of reserve units of pension in respect of which he had made an election under section 31 of the Superannuation Ordinance at a rate or rates calculated under that Ordinance, he shall, after the commencement of these Regulations, and subject to these Regulations, continue to contribute for that number of reserve units at that rate or rates.
- (4) Where, immediately before the commencement of these Regulations, a number of non-contributory units was applicable to a contributor under the Superannuation Ordinance, that number of non-contributory units shall, after the commencement of these Regulations, and subject to these Regulations, continue to be applicable to that contributor.
- (5) Where, immediately before the commencement of these Regulations, a person was paying additional contributions to the Superannuation Fund pursuant to subsection 29C (2) of the Superannuation Ordinance, he shall, after the commencement of these Regulations, and subject to these Regulations, continue to pay those additional contributions.
- (6) Where, immediately before the commencement of these Regulations, contributions payable by a person to the Superannuation Fund were in arrear and interest on those arrears had not been waived by the Board under section 85A of the Superannuation Ordinance, the amount of those arrears and the amount of interest on those arrears shall, after the commencement of these Regulations, and subject to these Regulations, continue to be payable by that person.
- (7) Amounts paid, before the commencement of these Regulations, by way of:
 - (a) contributions to the Superannuation Fund for a number of units of pension determined under the Superannuation Ordinance;
 - (b) contributions to the Reserve Units of Pension Account for a number of reserve units of pension in respect of which

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he had made an election under section 31 of the Superannuation Ordinance; and

- (d) additional contributions to the Superannuation Fund pursuant to subsection 29C (2) of the Superannuation Ordinance;

by a person who is a contributor under these Regulations shall, for the purposes of these Regulations, be deemed to have been paid under these Regulations.

125 Saving of pensions etc

- (1) Where, immediately before the commencement of these Regulations, a pension at a rate calculated under Part V of the Superannuation Ordinance (including a pension part of which was payable pursuant to paragraph 81 (1) (a) of that Ordinance and the *Superannuation Regulations 1970* under that Ordinance) was payable to a person, a pension at that rate shall, after the commencement of these Regulations, and subject to these Regulations, continue to be payable to him.
- (2) Where, immediately before the commencement of these Regulations, an increase in pension or increases in pension at a rate or rates calculated under Part V of the Superannuation Ordinance was or were payable to a person, that increase in pension or those increases in pension shall, after the commencement of these Regulations, and subject to these Regulations, continue to be payable to him.
- (3) Where, immediately before the commencement of these Regulations, an increase in pension or increases in pension by virtue of, and at a rate or rates calculated under, Part III of the *Superannuation (Papua and New Guinea) Ordinance (No. 3) 1963*, the *Superannuation (Pensions Increases) Ordinance 1967-1968* or the *Superannuation (Pensions Increases) Ordinance 1971*, was or were payable to a person, that increase in pension or those increases in pension shall, after the commencement of these Regulations, and subject to these Regulations, continue to be payable to him.
- (4) Where, immediately before the commencement of these Regulations, a benefit (other than a pension) under the Superannuation Ordinance of an amount calculated under that

Regulation 126

Ordinance was payable to a person, that benefit shall, after the commencement of these Regulations, and subject to these Regulations, continue to be payable to him.

- (4A) Where, immediately before the commencement of these Regulations, a person was entitled to Superannuation allowance or a pension in accordance with the *Superannuation Ordinance 1917-1955* of the Territory of Papua or the *Superannuation Ordinance 1928-1955* of the Territory of New Guinea, as the case may be, that allowance or pension shall, after the commencement of, and subject to, these Regulations continue to be payable to him.
- (4B) Where, after the commencement of these Regulations, a person became or becomes entitled to superannuation allowance or a pension in accordance with the *Superannuation Ordinance 1928-1955* of the Territory of New Guinea, that allowance or pension shall, on and from the date on which he so became or becomes entitled, be payable to him as if it were superannuation allowance or a pension of the kind referred to in subregulation (4A).
- (5) Where the Board had suspended a pension under section 51AA of the Superannuation Ordinance and that suspension was in effect immediately before the commencement of these Regulations, that suspension shall, after the commencement of these Regulations, and subject to these Regulations, continue in effect and, for the purposes of these Regulations, shall be deemed to be a suspension under regulation 60.

126 Saving of certain matters relating to Superannuation Board

- (1) Where an order, decision or determination made, notice given, or act or other thing done, by the Superannuation Board was in effect immediately before the commencement of these Regulations, it continues to have effect on and after the commencement of these Regulations as if it had been made, given or done by the Board under the Act or these Regulations.
- (2) An investment held immediately before the commencement of these Regulations in the name of the Superannuation Board shall, on and after the commencement of these Regulations, be

Regulation 126

deemed to have been made by the Board under the Act, and any instrument or document relating to such an investment has effect accordingly.

- (3) A bank account maintained immediately before the commencement of these Regulations in the name of the Superannuation Board shall, on and after the commencement of these Regulations, be deemed to be a bank account in the name of the Board maintained under the Act.
- (4) Where the Auditor-General had commenced an audit under section 21 of the Superannuation Ordinance and that audit had not been completed before the commencement of these Regulations, that audit shall be completed as if it were an audit under section 46 of the Act and, upon completion, shall be deemed to have been carried out under that last-mentioned section.

Schedule 1

(regulation 15)

Part I

Rates of contribution to be paid fortnightly for units of Pension (other than units of pension to which subregulation 15 (2) applies), based on the age next birthday of the employee when the obligation to contribute for those units comes into existence

Age next birthday	Contribution by male employees for each unit (based on retiring age of 60 years) where the obligation to contribute for that unit comes into existence on or after 21 April 1960	Contribution by female employees for each unit (based on retiring age of 55 years)
	\$	\$
16	0.13	0.08
17	0.14	0.09
18	0.14	0.11
19	0.15	0.12
20	0.16	0.14
21	0.17	0.17
22	0.18	0.19
23	0.19	0.20
24	0.20	0.22
25	0.21	0.24
26	0.22	0.25
27	0.23	0.27
28	0.25	0.29
29	0.26	0.31
30	0.27	0.33

Age next birthday	Contribution by male employees for each unit (based on retiring age of 60 years) where the obligation to contribute for that unit comes into existence on or after 21 April 1960	Contribution by female employees for each unit (based on retiring age of 55 years)
	\$	\$
31	0.29	0.35
32	0.30	0.37
33	0.32	0.40
34	0.33	0.42
35	0.35	0.45
36	0.37	0.49
37	0.40	0.52
38	0.42	0.57
39	0.45	0.61
40	0.48	0.66
41	0.51	0.72
42	0.54	0.79
43	0.58	0.87
44	0.63	0.96
45	0.68	1.07
46	0.74	1.21
47	0.80	1.38
48	0.88	1.61
49	0.97	1.90
50	1.08	2.31
51	1.21	2.93
52	1.37	3.96
53	1.58	6.01
54	1.86	12.06
55	2.25	2.77
56	2.83
57	3.80

Age next birthday	Contribution by male employees for each unit (based on retiring age of 60 years) where the obligation to contribute for that unit comes into existence on or after 21 April 1960	Contribution by female employees for each unit (based on retiring age of 55 years)
	\$	\$
58	5.73
59	11.42
60	11.93

Part II

Additional rate of contribution to be paid fortnightly for first unit effected by male employees

Age next birthday at entry

Additional contribution by all male employees for benefits provided for children

	\$
All ages	0.02

Schedule 2

(regulation 15)

Part I

Rates of contribution to be paid fortnightly for units of pension (other than units of pension to which subregulation 15 (2) applies), based on the age next birthday of the employee when the obligation to contribute for those units comes into existence

Age next birthday	Contribution by male employees for each unit (based on retiring age of 55 years) where the obligation to contribute for that unit comes into 21 April 1960	Contribution by female employees for each unit (based on retiring age of 50 years)
	\$	\$
16.....	0.16	0.10
17.....	0.17	0.11
18.....	0.18	0.13
19.....	0.18	0.15
20.....	0.20	0.18
21.....	0.21	0.21
22.....	0.23	0.24
23.....	0.24	0.26
24.....	0.25	0.29
25.....	0.27	0.32
26.....	0.28	0.34
27.....	0.30	0.37
28.....	0.32	0.40
29.....	0.34	0.44
30.....	0.36	0.47
31.....	0.38	0.51
32.....	0.40	0.55

Age next birthday	Contribution by male employees for each unit (based on retiring age of 55 years) where the obligation to contribute for that unit comes into 21 April 1960	Contribution by female employees for each unit (based on retiring age of 50 years)
	\$	\$
33	0.43	0.60
34	0.46	0.65
35	0.49	0.71
36	0.52	0.78
37	0.56	0.85
38	0.60	0.94
39	0.65	1.04
40	0.71	1.17
41	0.77	1.32
42	0.84	1.51
43	0.92	1.76
44	1.02	2.08
45	1.14	2.54
46	1.28	3.22
47	1.46	4.35
48	1.69	6.60
49	2.00	13.25
50	2.43	14.07
51	3.07
52	4.13
53	6.25
54	12.50
55	13.22

Part II

Additional rate of contribution to be paid fortnightly for first unit effected by male employees

Age next birthday at entry

Additional contribution by all male employees for benefits provided for children

\$

All ages

0.02

Schedule 3

(regulation 15)

Part I

Rates of contribution to be paid fortnightly by male employees for units of pension to which subregulation 15 (2) applies, and units of pension the obligation to contribute for which came into existence before 21 April 1960, based on the age next birthday of the contributor when the obligation to contribute for those units comes into existence

Age next birthday	Contribution for each unit based on a retiring age of —	
	60 years	55 years
	\$	\$
16.....	0.12	0.15
17.....	0.13	0.16
18.....	0.13	0.17
19.....	0.14	0.17
20.....	0.15	0.19
21.....	0.16	0.20
22.....	0.17	0.22
23.....	0.18	0.23
24.....	0.19	0.24
25.....	0.20	0.25
26.....	0.21	0.27
27.....	0.22	0.28
28.....	0.23	0.30
29.....	0.24	0.32
30.....	0.25	0.34
31.....	0.27	0.36
32.....	0.28	0.38

Age next birthday	Contribution for each unit based on a retiring age of —	
	60 years	55 years
33	0.30	0.41
34	0.31	0.43
35	0.33	0.46
36	0.35	0.50
37	0.37	0.53
38	0.39	0.58
39	0.42	0.62
40	0.45	0.67
41	0.48	0.73
42	0.51	0.80
43	0.55	0.89
44	0.59	0.98
45	0.64	1.10
46	0.70	1.23
47	0.76	1.41
48	0.83	1.63
49	0.92	1.93
50	1.02	2.34
51	1.15	2.97
52	1.30	4.00
53	1.51	6.06
54	1.77	12.15
55	2.15	12.88
56	2.71
57	3.65
58	5.51
59	11.01
60	11.55

Part II

Additional rate of contribution to be paid fortnightly for first unit effected by male employees

Age next birthday at entry	Additional contribution by all male employees for benefits provided for children
	\$
All ages	0.02

Schedule 4

(subregulation 18 (2))

Rates of additional contribution in respect of each unit of pension to be paid fortnightly by male employees for an additional widow's pension, based on the age next birthday of the employee on 21 April 1960

Age next birthday	Additional contribution in respect of each unit where the unit is for a retiring age of —	
	60 years	55 years
	\$	\$
16	0.01	0.01
17	0.01	0.01
18	0.01	0.01
19	0.01	0.01
20	0.01	0.01
21	0.01	0.01
22	0.01	0.01
23	0.01	0.01
24	0.01	0.01
25	0.01	0.01
26	0.01	0.01
27	0.01	0.02
28	0.02	0.02
29	0.02	0.02
30	0.02	0.02
31	0.02	0.02
32	0.02	0.02
33	0.02	0.02
34	0.02	0.03
35	0.02	0.03
36	0.02	0.03

Age next birthday	Additional contribution in respect of each unit where the unit is for a retiring age of —	
	60 years	55 years
	\$	\$
37	0.03	0.03
38	0.03	0.03
39	0.03	0.03
40	0.03	0.04
41	0.03	0.04
42	0.03	0.04
43	0.03	0.04
44	0.04	0.04
45	0.04	0.04
46	0.04	0.05
47	0.04	0.05
48	0.05	0.06
49	0.05	0.07
50	0.06	0.09
51	0.06	0.10
52	0.07	0.13
53	0.07	0.19
54	0.09	0.35
55	0.10	0.35
56	0.12	0.38
57	0.15	0.42
58	0.22	0.44
59	0.40	0.48
60	0.40	0.50
61	0.40
62	0.43
63	0.46
64	0.48
65	0.52

Schedule 5 Persons to whose widows and children regulation 35 applies

(regulation 35)

First column	Second column
Name	Annual pension
	\$
John Thomas Marlow Carstens.....	796.25
William Robert Alan Parker	910.00
Douglas Holland Ward	682.50

Table of Statutory Rules

Notes to the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations

Notes

The Papua New Guinea (Staffing Assistance) (Superannuation) Regulations (in force under the *Papua New Guinea (Staffing Assistance) Act 1973*) as shown in this compilation comprise Statutory Rules 1973 No. 239 amended as indicated in the Tables below.

The Papua New Guinea (Staffing Assistance) (Superannuation) Regulations were amended by the *Superannuation and Other Benefits Legislation Amendment Act 1986* and the *Superannuation and Other Benefits Legislation Amendment Act 1989*. The amendments are incorporated in this compilation.

For application, saving or transitional provisions relating to the amendments see section 18 of Act No. 93, 1986 and section 12 of Act No. 125, 1989.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1973 No. 239	27 Nov 1973	1 Dec 1973 (see r. 2 and <i>Gazette</i> 1973, No. 178A)	
1974 No. 128	30 July 1974	30 July 1974	—
1974 No. 156	12 Sept 1974	12 Sept 1974	—
1975 No. 134	1 July 1975	1 July 1975	—
1975 No. 179	9 Sept 1975	9 Sept 1975	—
1976 No. 74	5 Mar 1976	5 Mar 1976	—
1976 No. 138	24 June 1976	1 July 1976 (a)	R. 7 (3) and (4)
1976 No. 183	25 Aug 1976	25 Aug 1976 (a)	—
1977 No. 65	30 May 1977	1 July 1976	Rr. 6 (2), (3), 30 (2) and 36
1977 No. 145	23 Aug 1977	23 Aug 1977	—
1977 No. 218	18 Nov 1977	18 Nov 1977	—
1978 No. 92	27 June 1978	27 June 1978	—
1978 No. 155	29 Aug 1978	29 Aug 1978	—
1981 No. 387	31 Dec 1981	R. 2: 9 June 1976 Rr. 3–10: 1 July 1979 R. 11 (1): 1 July 1976 R. 11 (2): 1 Dec 1973 Remainder: 31 Dec 1981	—

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1987 No. 63	1 May 1987	1 May 1987	—

- (a) The Statutory Rules marked (a) in the Table contain provisions that relate to the commencement of amendments. Particulars of those provisions not shown in the Table may be found in the annual volumes of Statutory Rules for the respective years in which the amending Statutory Rules were made.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 3	rep. 1977 No. 65
R. 4	am. 1977 No. 65; 1981 No. 387
Rr. 4A, 4B	ad. 1977 No. 65
Rr. 8A, 8B	ad. 1977 No. 65
Div. 1 of Part II (r. 9)	rs. 1977 No. 65
R. 9	rs. 1977 No. 65
R. 10	am. 1974 Nos. 128 and 156; 1975 Nos. 134 and 179; 1976 Nos. 74 and 183; 1977 Nos. 65, 145 and 218; 1978 Nos. 92 and 155
Rr. 16, 17	am. 1977 No. 65
R. 20	rep. 1977 No. 65
Rr. 21, 22	am. 1977 No. 65
Div. 6 of Part II (r. 23)	rs. 1977 No. 65
R. 23	rs. 1977 No. 65
Div. 7 of Part II (rr. 24, 25)	rep. 1977 No. 65
Rr. 24, 25	rep. 1977 No. 65
R. 28	rep. 1977 No. 65
R. 30	am. 1977 No. 65
R. 32	am. 1977 No. 65
R. 34	am. 1977 No. 65
R. 35	am. 1977 No. 65; 1981 No. 387
R. 36	rep. 1977 No. 65
R. 37	am. 1977 No. 65
R. 38	rs. 1977 No. 65
R. 39	rep. 1977 No. 65
Rr. 41–43	am. 1981 No. 387
R. 45	am. 1981 No. 387
R. 47	am. 1977 No. 65
R. 50	am. 1977 No. 65
Div. 3 of Part III (rr. 52–56)	rep. 1977 No. 65
Rr. 52–56	rep. 1977 No. 65
R. 60	am. 1977 No. 65
R. 64	am. 1977 No. 65
R. 65	am. 1981 No. 387
R. 65A	ad. 1981 No. 387
R. 66	am. 1977 No. 65

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 69	rep. 1977 No. 65
Part IV (rr. 70–78)	rep. 1977 No. 65
Rr. 70–78	rep. 1977 No. 65
Part V (rr. 79–83)	rep. 1977 No. 65
Rr. 79–83	rep. 1977 No. 65
Part IX (rr. 89–102)	rep. 1977 No. 65
Rr. 89–102	rep. 1977 No. 65
Heading to Part X	rs. 1976 No. 138
R. 103	am. 1976 No. 138
R. 106	am. 1976 No. 138
R. 110	rep. 1976 No. 138
Part XA (rr. 111A–111E)	ad. 1976 No. 138
Rr. 111A, 111B	ad. 1976 No. 138 am. 1987 No. 63
R. 111C.....	ad. 1976 No. 138
R. 111D.....	ad. 1976 No. 138 am. Act No. 93, 1986
R. 111E.....	ad. 1976 No. 138
R. 111EA	ad. Act No. 93, 1986
R. 111EB	ad. Act No. 125, 1989
Part XB (rr. 111F–111M)	ad. 1981 No. 387
Rr. 111F–111M.....	ad. 1981 No. 387
Part XC (rr. 111N–111T)	ad. 1981 No. 387
Rr. 111N–111T	ad. 1981 No. 387
Part XD (rr. 111U–111Z, 111ZA)	ad. 1981 No. 387
Rr. 111U–111Z, 111ZA.....	ad. 1981 No. 387
Rr. 112, 113.....	am. 1977 No. 65
R. 119	rep. 1977 No. 65
Rr. 121, 122.....	rep. 1977 No. 65
R. 124	am. 1977 No. 65
R. 125	am. 1976 No. 138; 1981 No. 387