

THE AUSTRALIAN NATIONAL UNIVERSITY

Australian National University Act 1991

STAFF SUPERANNUATION STATUTE 2007

The Council of the Australian National University makes the following Statute under section 50 of the *Australian National University Act 1991*.

Dated: 7 December 2007.

Allan Hawke
Chancellor

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STAFF SUPERANNUATION STATUTE 2007

[GENERAL NOTE: This Statute is made by the Council under section 51 of the *Australian National University Act 1991* ("the ANU Act"). It is made to ensure compliance by the University's staff superannuation legislation with the *Legislative Instruments Act 2003* and, in so doing, it is not intended to alter in any respect any right or duty accruing or in force under the legislation repealed by this Statute.]

PART I—PRELIMINARY

1 Citation and commencement

- 1.1 This Statute may be cited as the *Staff Superannuation Statute 2007*.
- 1.2 This Statute commences on the day after it is registered.

2 Interpretation

2.1 In this Statute, unless the contrary intention appears:

annuity in respect of a member, means:

- (a) in the case of an unmarried member—an annuity for the life of the member; and
- (b) in the case of a married male member—an annuity for the member for his life and, after his death, for his widow (if any) for her life at half the initial rate; and
- (c) in the case of a married female member—an annuity for the member for her life, and after her death, for her widower (if any) for his life at half the initial rate;

approved life office or **life office** means a company or society specified in the Schedule;

child, in relation to a deceased member or a deceased former member means:

- (a) a child of the member or former member; or
- (b) a posthumous child of the member or former member; or
- (c) any other child who was dependent on the member or former member at the date of his or her death;

dependant, in relation to a member, means:

- (a) the wife, husband, widow, widower or child of the member, whether in fact dependent on the member or not; and
- (b) any other member of the family of the member, who in the opinion of the Council is substantially dependent upon the member;

designated beneficiary, in relation to a member, means a person or persons for the time being nominated by the member, in a form approved by the Council, to succeed to benefits under the Scheme after the death of the member;

endowment assurance policy means a policy of assurance on the life of a member which provides for payment of the sum assured:

- (a) on the maturity of the policy; or
- (b) subject to the policy conditions, on the death of the member occurring before the maturity date;

incapacity, in relation to a member, means such physical or mental incapacity as, in the opinion of the Council, makes the member incompetent or unfit to perform the duties of the position to which the member was appointed;

member means a member of the Scheme;

previous statute means the *Staff Superannuation Statute* as amended and in force immediately before the commencement of this Statute;

pure endowment policy means a policy of assurance on the life of a member which provides for:

- (a) the payment of the sum endowed on the maturity date of the policy; and
- (b) in the event of the death of the member before the maturity date, the return of the premiums paid in respect of the policy, either with or without interest as provided by the policy;

retirement means retirement from the full-time service of the University and **retired** has a corresponding meaning;

salary, in relation to a member, means the annual basic salary paid to the member by the University, together with such allowances as are determined by the Council being allowances applicable to the office of the member;

the policy, in relation to a member, means the policy or policies of assurance on the life of the member effected for the purposes of the Scheme or accepted for those purposes;

Scheme means the superannuation scheme established or continued under this Statute;

Superannuation Act means the *Superannuation Act 1976*;

the Supplementary Superannuation Benefits Fund means the Fund of that name established by section 57;

the 1966 Supplementary Superannuation Benefits Fund means the Fund of that name established by section 58;

university service, in relation to a member, includes the whole, or such part as the Council approves, of the full-time service by the member as a teacher or other officer of a university approved by the Council and any other full-time service of a similar nature by the member that is approved by the Council;

widow, in relation to a retired member, does not include a woman who was not married to the member at the time of his retirement;

widower, in relation to a retired member, does not include a man who was not married to the member at the time of her retirement.

2.2 When a member dies without nominating a person to be his or her designated beneficiary, the designated beneficiary of the member for the purposes of this Statute is, unless the contrary intention appears, to be regarded as being:

- (a) the widow or widower of the member; or
- (b) if the member dies without leaving a widow or widower, a person or persons determined by the Council to be the designated beneficiary, or the designated beneficiaries, of the member, being a person who was a dependant of, or persons who were dependants of, the member immediately before the member's death.

PART II—ADMINISTRATION

3 Council authorised to establish Scheme

3.1 The Council is authorised to establish, continue and maintain a Staff Superannuation Scheme in accordance with this Statute.

3.2 The Staff Superannuation Scheme referred to in subsection 3.1 is to be regarded as a continuation of the Scheme established and maintained under the previous statute.

4 Administration and delegation

4.1 Administration of the Scheme is vested in the Council.

4.2 The Council may, in relation to a matter or class of matters, by resolution, delegate all or any of its powers and functions under this Statute (except this power of delegation) to a member of the Council, to a Committee of members of the Council or to an officer or officers of the University.

4.3 A delegation under this section is revocable by resolution of the Council, and no delegation prevents the exercise of a power or function by the Council.

5 Accounts and records

5.1 The Council must cause proper accounts and records of the Scheme to be kept.

6 Agreements with other universities

6.1 The Council may make agreements with universities or other educational or research institutions for the setting up of joint machinery to facilitate the transfer of members from a superannuation scheme controlled by one such body to a superannuation scheme controlled by another, and generally in regard to matters affecting the Scheme.

PART III—THE SUPERANNUATION SCHEME

7 Eligibility for membership

7.1 Subject to this section, the officers and teachers of the University who are eligible to be members of the Scheme are:

- (a) the Vice-Chancellor; and
- (b) the full-time members of the academic staff; and
- (c) the Librarian; and
- (d) any other full-time officers or teachers of the University approved by the Vice-Chancellor.

7.2 A person is not eligible to become a member after the commencement of this subsection if the person is:

- (a) an eligible employee for the purposes of the Superannuation Act; or

- (b) because of a direction of the Commissioner for Superannuation under that Act, to be regarded as being an eligible employee for the purposes of that Act; or
- (c) entitled, under that Act, to request the Commissioner for Superannuation to direct that the person be treated as an eligible employee for the purposes of that Act and:
 - (i) the person has not, since he or she became, or last became, so eligible, made such a request of the Commissioner for Superannuation; or
 - (ii) such a request having been made by the person, the Commissioner for Superannuation has not made a direction in response to that request.

7.3 A person is not eligible to become a member after the commencement of this subsection if the person is a member of a superannuation scheme specified by the Council for the purposes of this section.

7.4 A person is not entitled to remain a member if the person commences to make contributions under the Superannuation Act.

7.5 A person is not entitled to remain a member if the person becomes a member of a superannuation scheme specified by the Council for the purposes of this section.

7.6 Except where the Council otherwise directs, a person is not eligible to become a member if the person has attained the age of 55 years.

8 Application for membership

8.1 A person becomes a member when, upon application in accordance with a form approved by the Council, the Council causes the person's name to be enrolled as a member.

8.2 A person remains a member while the person continues to be eligible to be a member and continues to be liable to make contributions under this Statute.

9 Membership to be compulsory for certain persons

9.1 A person who was appointed or reappointed, during the period that commenced on 9 February 1956 and ended on 30 June 1976, for a term of not less than 3 years, as an officer or teacher referred to in subsection 7.1 and was a member immediately after the expiration of that period and immediately before the commencement of this Statute is, subject to this Statute, to remain a member, in accordance with the agreement made between the person and the Council under section 8 of this Statute as in force during that period.

9.2 Nothing in this section, or in an agreement of the kind referred to in subsection 9.1, is to be taken to prevent a person from becoming an eligible employee for the purposes of the Superannuation Act.

PART IV—ASSURANCE POLICY BENEFITS

10 Member to effect endowment assurance policy

10.1 When a person becomes a member he or she must effect with an approved life office an endowment assurance policy on his or her life, or, if the member is not less than 50 years of age

or has an unassurable life, a pure endowment policy, for such amount as, having regard to his or her age, is obtainable at an annual premium equal to the contributions payable by the University and the member as provided in this Statute in respect of his or her salary at the time when the person becomes a member.

10.2 A policy referred to in subsection 10.1 is to be expressed to mature at the member's prescribed age, and the member has a discretion to determine whether the policy will or will not provide for participation in any surplus that may be distributed by the life office from time to time by way of reversionary additions to the sums assured under participating policies.

10.3 In the case of a person who, when he or she becomes a member, is not less than 50 years of age or has an unassurable life, he or she may elect that, in lieu of the effecting of a policy on his or her life, the contributions under section 12 in respect of the member are to be held and accumulated by the Council with power to invest them in securities authorised by law for the investment of trust funds.

10.4 If a member has made an election under subsection 10.3, the moneys held by the Council and any securities representing any such moneys, together with the income from those moneys or securities, are, for the purpose of this Statute, to be treated as nearly as possible as if they were a life assurance policy effected on the life of the member for the purposes of this Statute.

11 Transfer of existing policy

11.1 The Council may agree to accept for the purposes of the Scheme an existing policy of assurance on the life of a member in lieu of the policy required to be effected under section 10, if the policy is transferred in statutory form to the University and at the date of the transfer is not encumbered.

11.2 This section does not apply to an existing policy unless:

- (a) the conditions of the policy are in accordance with the requirements of this Statute as to policies for the purposes of the Scheme; or
- (b) the policy has been accepted for the purposes of the Federated Superannuation System for Universities (Great Britain).

12 Contributions

12.1 Subject to this Part, a member must contribute an amount equal to 5% of the annual salary that was payable (or is regarded by section 13 as having been payable) to the member on the University pay day last preceding the last preceding anniversary of his or her birth.

12.2 Subject to this Part, the University must contribute annually a sum equal to 10% of the annual salary that was payable (or is regarded by section 13 as having been payable) to the member on the University pay day last preceding the last preceding anniversary of his or her birth.

12.3 The Council may, with the consent of a member, determine by resolution that, with effect from a date specified in the resolution, not being the University pay day immediately preceding an anniversary of the birth of the member and not being a date earlier than the date of the resolution, contributions payable under subsections 12.1 and 12.2 are to be at rates ascertained by reference to the annual salary payable at that date to the employee, being rates

that are higher than the rates at which, but for this subsection, those contributions would be payable.

12.4 If the Council makes a resolution under subsection 12.3, contributions are payable under subsections 12.1 and 12.2 accordingly with effect from the University pay day next following the date specified in the resolution, and contributions are, subject to this Statute, to be payable by and in respect of the member at the rate so specified, unless sooner altered by a further resolution under subsection 12.3 or in accordance with section 13, until the pay day last preceding the next succeeding anniversary of the birth of the member.

12.5 If, in accordance with this section or section 13, the contributions in respect of a member are increased or reduced, the sum or sums assured under the policy or policies must be appropriately adjusted.

12.6 Contributions under this section must be paid until the member ceases to be in the service of the University or reaches the age of 65 years, whichever first occurs.

12.7 The contributions under this section must, except as otherwise provided in this Statute, be applied by the Council in payment of the yearly premium on the policy.

12.8 The University may deduct from payments of salary to the member the amounts necessary to meet the member's contributions under this section.

12.9 The Council may pay a premium upon the policy in anticipation of contributions by the member or the University, or in default of contributions by the member.

13 Decreases in salary

13.1 If, on the University pay day last preceding an anniversary of a member's birth (in this subsection referred to as the *relevant day*), the member's annual rate of salary is less than the highest annual rate of salary that was payable (or is taken by a previous application of this subsection (including a previous application of subsection 11A (1) of the previous statute), or by subsection 13.3, to have been payable) to the member on any day during the period commencing on the University pay day last preceding the anniversary of his or her birth last preceding the relevant day and ending on the day immediately preceding the relevant day, the member's annual rate of salary on the relevant day is, unless he or she has made or makes an election under subsection 13.2 by virtue of a decrease in his or her annual rate of salary that occurred during that period, to be treated, for the purposes of section 12, and any subsequent application of this subsection, as being that highest rate.

13.2 If the annual rate of salary payable to a member decreases, the member may, not later than 3 months after the anniversary of his or her birth next following the date of the decrease, elect, by notice in writing to the Council, that subsection 13.1 is not to apply in relation to his or her annual salary on the University pay day last preceding that anniversary.

13.3 If:

- (a) a member makes an election under subsection 13.2 by virtue of a decrease in his or her annual rate of salary; and
- (b) the annual rate of his or her salary on the University pay day last preceding the anniversary of his or her birth next following the date of the decrease is less than the highest annual rate of salary that was payable to the member on any day

during the period commencing on the date of the decrease and ending on that University pay day,
the annual rate of his or her salary on that University pay day is, for the purposes of section 12 and subsection 13.1, to be regarded as being that highest rate.

13.4 If:

- (a) a member makes an election under subsection 13.2 by reason of a decrease in his or her annual rate of salary; and
- (b) the annual rate of salary payable to the member immediately after the decrease is less than the rate of salary that was payable (or is taken by subsection 13.1 or 13.3 to have been payable) to the member on the University pay day last preceding the anniversary of his or her birth last preceding the date of the decrease; and
- (c) the election is made before the University pay day last preceding the anniversary of his or her birth next following the date of the decrease,

the annual rate of his or her salary on the University pay day last preceding the anniversary of his or her birth last preceding the date of the decrease is, for the purpose of calculating the amount of the contributions payable under subsections 12.1 and 12.2 in respect of the period commencing on the date of the election and ending on the University pay day last preceding the anniversary of his or her birth next following that date, to be regarded as being the annual rate of his or her salary immediately after the decrease.

14 Continuation of contributions during absence

14.1 If a member is absent from the service of the University, with or without remuneration from the University:

- (a) the member must pay contributions for the period of his or her absence unless the Council, in its discretion, agrees to pay those contributions; and
- (b) the Council may determine, in its discretion, whether the University or the member must pay the University's contributions for that period and those contributions must be paid accordingly.

14.2 Payments referred to in subsection 14.1 must be made, at the election of the member, either in advance or by fortnightly payments.

15 Rate of contributions in certain cases

15.1 For the purposes of this Part as in force on the University pay day next following the commencement of this section, the rates at which contributions were payable by and in respect of a member immediately before the commencement of this section are to be regarded as:

- (a) being rates fixed, with the consent of that member, in accordance with subsection 12.3 with effect from that University pay day; or
- (b) if the last-mentioned University pay day was a University pay day immediately preceding an anniversary of his or her birth, being rates ascertained in accordance with subsections 12.1 and 12.2.

15.2 For the purposes of the application of this Part to and in relation to a person who becomes a member after the commencement of this section, the salary applicable to the member on the day on which he or she becomes a member is to be taken to be the salary that was

payable to the member on the University pay day last preceding the last preceding anniversary of his or her birth.

16 Payment of exchange

16.1 If the premiums upon a policy which is proposed to be accepted for the purposes of the Scheme are payable in sterling currency, the Council may make an arrangement with the member with respect to payment of the exchange upon those premiums and for the variation of the rights of the member under this Statute in consequence of the arrangement, and in any such case this Statute operates subject to the terms of the arrangement.

17 University to retain possession of policies

17.1 A policy effected for the purposes of the Scheme must be either in the name of the University or in the name of the member and in the latter case it must be assigned in statutory form by the member to the University.

17.2 The member must arrange for the policy to be delivered by the life office to the University.

17.3 The University is to retain possession of the policy, but must make it available for inspection by the member at any reasonable time.

18 Policy not to be assigned or charged

18.1 A member must not, without the consent in writing of the Council, assign, either absolutely or as security, or charge his or her interest or any part of that interest in the policy.

18.2 If a member:

- (a) becomes bankrupt or, without the consent in writing of the Council, assigns or charges or attempts to assign or charge his or her interest or any part of that interest in the policy or does or suffers anything by which that interest in the policy, or any part of that interest, would or might, through his or her act or default or by operation or process of law, become vested in or payable to any other person; or

(b) is in the opinion of the Council incapable of managing his or her own affairs, the rights and interests of the member in the policy forthwith determine and the Council may surrender the policy, or continue the policy for the time being and surrender it later, or continue it until maturity or the prior death of the member.

18.3 Any moneys representing the member's rights and interests so determined which are received by the Council, whether upon surrender or at maturity of the policy or on the death of the member, must, at the option of the Council, be:

- (a) applied towards the maintenance or benefit of the member or his or her dependants or of such one or more of them as the Council, in its discretion, thinks fit; or
- (b) paid in any of the ways mentioned in section 20; or
- (c) paid into the Supplementary Superannuation Benefits Fund; or
- (d) paid into the 1966 Supplementary Superannuation Benefits Fund.

19 University to have lien on policy

19.1 The University has a lien or charge upon the policy in respect of a member and the moneys payable under the policy for all moneys owing by the member under this Statute and for premiums paid in anticipation of contributions, or in default of contributions by a member, and not recouped.

20 Death of member before policy matures

20.1 If a member dies in the full-time service of the University before the policy matures, the University is to receive payment of the moneys payable under the policy from the life office and, subject to sections 18 and 19 and subsection 20.2, must pay those moneys, or the balance of those moneys, as the case may be:

- (a) to the designated beneficiary or, if there is more than one designated beneficiary, to the designated beneficiaries in such proportions as the member specified; or
- (b) to a person who the Council determines is to be regarded as being the designated beneficiary of the member; or
- (c) if there is no designated beneficiary and no person who is to be regarded as being the designated beneficiary:
 - (i) to the person to whom probate of the will or letters of administration of the estate or the member has or have been granted; or
 - (ii) if, after a period considered by the Council to be reasonable, there is no such person referred to in subparagraph 20.1(c)(i)—to the next of kin of a member or as the Council, in its absolute discretion, determines.

20.2 If a member who:

- (a) is an eligible member for the purposes of Part V; or
- (b) is contributing to the 1966 Supplementary Superannuation Benefits Fund,

dies leaving a widow or widower who is, or is to be taken to be, the designated beneficiary in relation to the member, the University must pay the moneys, or the balance of the moneys, referred to in subsection 20.1 to the Supplementary Superannuation Benefits Fund or to the 1966 Supplementary Superannuation Benefits Fund, as the case requires.

21 Policy maturing while member is in full-time service

21.1 If the policy matures while the member is in the full-time service of the University, the University is to receive payment of the moneys payable under the policy from the life office and, subject to sections 18 and 19 and to this section, the University must pay those moneys to the member on 31 December in the year in which the member attains the age of 60 years.

21.2 If the member referred to in subsection 21.1 dies before 31 December in the year in which the member attains the age of 60 years, the Council must pay the moneys in the manner provided in section 20.

21.3 If the Council thinks fit, the University may, in lieu of paying to the member moneys referred to in this section, use those moneys in the purchase of an annuity payable to the member during his or her life-time.

21.4 If the member continues in the full-time service of the University after 31 December in the year in which he or she attains the age of 60 years, the moneys payable under the policy

which would otherwise be payable to the member, together with contributions by and in respect of the member under section 12 made after the maturity of the policy, must be invested by the Council in securities authorised by law for the investment of trust moneys, and the securities must be held until the member ceases, by death or retirement, to be in the service of the University, whereupon the securities must be realised and the proceeds, together with any income received from the investments, must:

- (a) in the case of death—be paid in the manner specified in section 20; or
- (b) in the case of retirement—be paid to the member or used in the purchase of an annuity payable to the member during his or her life-time.

21.5 A payment of moneys under this section must not be made:

- (a) to, or for the purchase of an annuity payable to, a member who is an eligible member for the purposes of Part V; or
- (b) if a member who is an eligible member for the purposes of Part V dies leaving a widow or widower who is, or is taken to be, the designated beneficiary in relation to the member—to the widow or widower,

but those moneys must be paid to the Supplementary Superannuation Benefits Fund.

21.6 A payment of moneys under this section must not be made:

- (a) to, or for the purchase of an annuity payable to, a member who is contributing to the 1966 Supplementary Superannuation Benefits Fund; or
- (b) if a member referred to in paragraph 21.6 (a) dies leaving a widow or widower who is, or is to be taken to be, the designated beneficiary in relation to the member—to the widow or widower,

but those moneys must be paid into that Fund.

22 Resignation of member

22.1 If a member resigns from the full-time service of the University before the sixtieth anniversary of his or her birthday, and his or her resignation is accepted by or on behalf of the Council, the Council must, subject to sections 18 and 19, transfer the policy to the member or according to his or her direction, and the transfer must be in full settlement of all claims of the member under this Scheme.

22.2 The provisions of this section extend to the case of a member whose appointment expires by effluxion of time before the sixtieth anniversary of his or her birthday and who is not forthwith appointed or reappointed to an office by virtue of holding which he or she is eligible to continue to be a member of the Scheme.

23 Dismissal

23.1 If a member is dismissed from the full-time service of the University before the sixtieth anniversary of his or her birthday, the Council may deal with the policy or the policy moneys as it thinks just.

24 Member commencing to contribute under Superannuation Act

24.1 If a member commences to make contributions under the Superannuation Act, the policy must be dealt with in such manner as the Council, in its discretion, determines.

25 Member becoming member of approved superannuation scheme

25.1 If a member becomes a member of a superannuation scheme specified by the Council for the purposes of section 7, the policy or any amounts held and accumulated or invested by the Council under this Part in respect of that member must be dealt with in such manner as the Council determines.

PART V—SUPPLEMENTARY SUPERANNUATION BENEFITS

26 Interpretation

26.1 In this Part, unless the contrary intention appears:

election period means the period within which a member is required to make an election referred to in this Part;

promotion means promotion to an office within the University and **promote** has a corresponding meaning;

supplementary benefits means the benefits payable under this Part other than section 55;

the actuary means an actuary appointed by the Council to be the actuary for the purposes of this Part;

the Amendment Statute means the *Staff Superannuation Amendment Statute (No.2)* that was made on 12 September 1958 and that commenced on 27 November 1958;

the Fund means the Supplementary Superannuation Benefits Fund.

27 Pensions appropriate to certain offices

27.1 For the purposes of this Part, the appropriate pension in respect of an office the name of which is specified in the first column of the following table is:

- (a) in the case of an office held by a person who has made an election under section 34—a pension at the rate per annum specified in the second column of that table opposite to the name of that office; and
- (b) in any other case—a pension at the rate per annum specified in the third column of that table opposite to the name of that office.

First Column Office	Second Column Rate per annum \$	Third Column Rate per annum \$
Director (Institute of Advanced Studies)	4,822	3,276
Professor (Institute of Advanced Studies)	4,186	3,276
Professor (The Faculties)	4,094	3,276
Reader (Institute of Advanced Studies)	3,640	3,094
Associate Professor (The Faculties)	3,558	3,094
Senior Fellow (Institute of Advanced Studies)	3,458	3,002
Senior Lecturer (The Faculties)	3,366	2,912
Fellow (Institute of Advanced Studies)	3,184	2,548
Lecturer (The Faculties)	3,002	2,548

27.2 Subject to this section, the appropriate pension, for the purposes of this Part, in relation to an eligible member who holds on retirement an office specified in subsection 27.1 is the appropriate pension in respect of that office.

27.3 If a member referred to in subsection 27.2 has, on retirement, less than 40 years' university service (whether continuous or otherwise), the rate per annum of the appropriate pension in relation to the member is reduced:

- (a) by \$32 for each complete year by which that service is less than 40 years or by \$320, whichever is the less; and
- (b) by the amount specified in the following table opposite to his or her office for each complete year, if any, by which that service is less than 30 years:

<i>Office</i>	<i>Amount \$</i>
Director (Institute of Advanced Studies)	96
Professor (Institute of Advanced Studies)	96
Professor (The Faculties)	96
Reader (Institute of Advanced Studies)	64
Associate Professor (The Faculties)	64
Senior Fellow (Institute of Advanced Studies)	80
Senior Lecturer (The Faculties)	80
Fellow (Institute of Advanced Studies)	80
Lecturer (The Faculties)	64

27.4 For the purposes of this Part, the appropriate pension in respect of an office other than an office referred to in subsection 27.1 is, subject to subsection 27.5, a pension at such rate per annum as is prescribed by the rules to be the appropriate pension in respect of that office and the appropriate pension in relation to an eligible member who on retirement holds that office is, subject to this section, the appropriate pension in respect of that office.

27.5 The rules may provide that there must be 2 or more appropriate pensions, at such rates as are specified, in respect of an office other than an office referred to in subsection 27.1 and, in that case, the rules must make provision for or in relation to the ascertainment of the appropriate pension in relation to each eligible member who holds such an office.

27.6 The appropriate pension in relation to an eligible member who on retirement holds an office in respect of which there are 2 or more appropriate pensions is the appropriate pension ascertained in accordance with the provisions referred to in subsection 27.5.

27.7 The rules may provide for the reduction of the rate per annum of the appropriate pension in relation to an eligible member who holds an office other than an office referred to in subsection 27.1 if his or her university service is, on retirement, less than a specified number of years.

27.8 If an eligible member makes, or is regarded as having made, under subsection 29.1, after a promotion referred to in that subsection, an election to continue to be an eligible member entitled to supplementary benefits as if the eligible member held the office that he or she held immediately before that promotion, the eligible member is, for the purposes of this section, to be regarded as holding the office that the member held immediately before that promotion.

27.9 If:

- (a) a member has received, in respect of any of his or her university service a payment or benefit that is similar to, or of the same type as, a benefit payable under this Statute; or

- (b) a member who, having taken the transfer of his or her policy or received an amount under subsection 37.2, is restored to health, is again employed by the University and again becomes an eligible member,

the rate per annum of the appropriate pension in relation to the member is reduced by an amount equal to the rate per annum, or, in the case of a married member, the initial rate per annum, of the annuity that could, in the opinion of the actuary, be purchased in respect of the member with an amount equal to the value that the benefit so received would, in the opinion of the actuary, have had on the retirement of the member if it had been invested at the time of receipt.

27.10 Without in any way affecting the generality of paragraph 27.9(a), a member is to be regarded as having received, in respect of any of his or her university service, a payment or benefit that is similar to a benefit payable under this Statute if, in relation to any part of that service:

- (a) there has been paid to or in respect of the member a payment or benefit from a superannuation or retirement benefit scheme or arrangement; or
- (b) there has been paid to, or in respect of, the member a refund of the contributions (including interest on those contributions, if payable) paid by the member to such a scheme or arrangement; or
- (c) the member or any other person has a deferred entitlement to a benefit under such a scheme or arrangement.

27.11 If the Council has approved, as university service of a member for the purposes of this Part, a part only of the full-time service by the member as a teacher or other officer of another university or any other full-time service of a similar nature by the member, the whole of any payment or benefit received or regarded as having been received by the member in respect of the whole or a part of that full-time service is to be regarded, for the purposes of subsections 27.9 and 27.10, as having been received in respect of the part of the full-time service that has been approved by the Council.

28 Members eligible for supplementary benefits

28.1 Each of the following persons is an eligible member for the purposes of this Part:

- (a) a member who was a member on the date of commencement of the Amendment Statute;
- (b) a member who has not, on the day on which he or she is enrolled as a member, attained the age of 40 years;
- (c) a member who has elected to remain, or to become, an eligible member under subsection 28.4.

28.2 If the Council is satisfied that the health or physical condition of a member who was a member on the date of commencement of the Amendment Statute or a member who had not, on the day on which he or she enrolled as a member, attained the age of 40 years, is not such as to justify the member remaining an eligible member without payment by the member of contributions to the Fund, the Council may, within 2 months after the commencement of the Amendment Statute or the enrolment of the member, as the case requires, direct that the member must not remain an eligible member unless the member pays contributions to the Fund in accordance with such conditions as the Council determines, and the member ceases to be an eligible member unless he or she elects to pay contributions in accordance with those conditions.

28.3 If a person has become a member by reason of a direction of the Council under subsection 7.6, the provisions of subsection 28.2 apply, *mutatis mutandis*, to and in relation to the member.

28.4 A member who is enrolled as a member after the commencement of the Amendment Statute and has, on the date on which he or she is so enrolled, attained the age of 40 years may, if he or she has obtained the approval of the Council, make, within 26 weeks after the Council has granted the approval, an election in writing to become an eligible member.

29 Election to contribute for increased supplementary benefits by eligible members promoted after attaining 40 years

29.1 An eligible member who, having attained the age of 40 years, is promoted after the date of commencement of the Amendment Statute to an office the appropriate pension in respect of which is greater than the appropriate pension in respect of the office that he or she held immediately before that promotion may, within 26 weeks after that promotion, make an election in writing:

- (a) to contribute for increased supplementary benefits; or
- (b) to continue to be an eligible member entitled to supplementary benefits as if the eligible member held the office that he or she held immediately before that promotion.

29.2 An eligible member who, in respect of one promotion to which subsection 29.1 applies, does not elect to contribute for increased supplementary benefits does not have the right to make an election under that subsection in respect of any subsequent promotion.

29.3 An eligible member, being an eligible member entitled to elect under subsection 29.1, who does not, within the period referred to in that subsection, elect to contribute for increased supplementary benefits is to be regarded as having elected to continue to be an eligible member entitled to supplementary benefits as if the eligible member held the office that he or she held immediately before he or she was promoted.

29.4 If:

- (a) under subsection 27.5, the rules make provision for or in relation to the ascertainment of the appropriate pension in relation to each eligible member who holds a particular office; and
- (b) by reason of the application of those provisions in relation to an eligible member after he or she has attained the age of 40 years, a greater appropriate pension would become the appropriate pension in relation to the eligible member on his or her retirement,

the eligible member is to be regarded as having been, for the purposes of this Part, promoted to an office in respect of which there is a greater appropriate pension, and subsections 29.1, 29.2 and 29.3 and subsection 27.8 apply, *mutatis mutandis*, to and in relation to the member.

30 Certain members not ordinarily required to contribute for supplementary benefits

30.1 Except as provided by section 34, a member who is an eligible member by virtue of paragraph 28.1(a) or 28.1(b) is not, unless the Council has otherwise determined in accordance with subsection 28.2 or 28.3, required to contribute to the Fund.

31 Certain members to contribute in accordance with conditions

31.1 A member who remains an eligible member by virtue of electing to pay contributions in accordance with conditions determined by the Council under subsection 28.2 or 28.3 is to contribute to the Fund in accordance with those conditions.

31.2 If an eligible member who has contributed to the Fund in accordance with subsection 31.1 resigns from the full-time service of the University and his or her resignation is accepted by the Council, the Council must pay to the eligible member from the Fund such portion of the sum of the amounts so contributed by the eligible member to the Fund as is determined by the actuary, having regard to all the relevant circumstances and to actuarial principles and practice.

32 Contributions by eligible members electing to contribute

32.1 A member:

- (a) who is an eligible member by virtue of paragraph 28.1(c); or
- (b) who is an eligible member who elects to contribute for increased supplementary benefits under paragraph 29.1(a),

is to contribute to the Fund in accordance with subsections 32.2 and 32.3.

32.2 There is to be deducted from each fortnightly payment of salary of the member falling due after the date on which the member makes the election, or if, on that date, the member is absent from the service of the University, after the member ceases to be so absent, an amount calculated in accordance with the following formula:

$$4/13 \times R \times 1/26$$

32.3 For the purpose of the formula in subsection 32.2, **R** means the amount per annum that, in the opinion of the actuary, is required to be paid into the Fund after the date of the election to enable supplementary benefits or increased supplementary benefits for and in respect of the member to be provided from the Fund.

33 Manner of making determination for purposes of section 32

33.1 In determining the value per annum of **R** referred to in subsection 32.3:

- (a) the actuary is to assume:
 - (i) that there will be no change in the office held by the member; and
 - (ii) in the case of a member who, when he or she became a member, effected for the purposes of the Scheme, or had had accepted for those purposes, an assurance policy on his or her life that does not provide for payment of the whole of the sum assured on the maturity of the policy or on the death of the member occurring before the maturity date—that that policy does so provide; and
 - (iii) in the case of a member who, when he or she became a member, elected, under subsection 10.3, that the contributions under section 12 in respect of the member should be held and accumulated by the Council—that there had been effected on the life of the member, for the purposes of the Scheme, when he or she became a member, an assurance policy providing

for the payment of the whole of the sum assured on the member attaining his or her prescribed age or on the death of the member before attaining that age for such amount as would, in the opinion of the actuary, have been obtainable at an annual premium equal to those contributions; and

- (b) the actuary is to take into account any payments which are already required to be made by the Council in respect of the member.

34 Election for increased supplementary benefits

34.1 In this section, unless the contrary intention appears:

the commencing date, in relation to an eligible member, means 1 July 1960, or the date on which he or she is enrolled as a member, whichever is the later date;

the election date, in relation to an eligible member, means the date on which he or she makes an election under this section.

34.2 An eligible member may, before 1 November 1963 or the expiration of the period of 6 months after the date on which the eligible member is enrolled as a member, whichever is the later, elect to contribute to the Fund in accordance with this section.

34.3 If an eligible member makes an election under this section, the Council is to deduct from each fortnightly payment of his or her salary falling due after the election date such amount as the actuary determines from time to time having regard to all the relevant circumstances and to actuarial principles and practice.

34.4 If, in relation to an eligible member who has made an election under this section, one or more fortnightly pay days have occurred during the period from and including the commencing date to and including the election date, the eligible member must, upon making the election, forthwith pay to the Council an amount equal to the amount determined by the actuary under subsection 34.3 multiplied by the number of those fortnightly pay days.

34.5 The Council must pay to the Fund any amounts received by it under this section.

34.6 If an eligible member who has made an election under this section:

- (a) retires after attaining 60 years of age but before 31 December in the year in which he or she attains the age of 65 years; or
- (b) resigns from the full-time service of the University and his or her resignation is accepted; or
- (c) is dismissed from the full-time service of the University,

the Council must pay to the eligible member from the Fund an amount equal to the sum of the amounts contributed by that member to the Fund under this section.

PART VI—1966 SUPPLEMENTARY SUPERANNUATION BENEFITS

35 Interpretation and application

35.1 In this Part, unless the contrary intention appears:

entitlement date, in relation to a member, means 31 December in the year in which the member attains the age of 65 years;

the Amendment Statute means the *Staff Superannuation Amendment Statute No. 7* that was made on 14 July 1967 and that commenced on 21 March 1968;

the commencing date means 1 July 1966;

the Fund means the 1966 Supplementary Superannuation Benefits Fund.

35.2 This Part does not apply to a member who elects not to contribute to the Fund under section 37.

35.3 If a person referred to in subsection 35.2 was an eligible member within the meaning of Part V at the commencing date, that Part continues to apply to and in relation to the member notwithstanding the provisions of this Part.

36 Members to contribute to Fund

36.1 A member must contribute to the Fund, in accordance with, and at the rate set out in, this Part.

36.2 A person who:

- (a) was a member at the date of commencement of the Amendment Statute and had attained the age of 55 years; or
- (b) at the date of becoming a member, had attained the age of 55 years,

is entitled, with approval of the Council, to contribute to the Fund but the approval of the Council may be given subject to compliance by the member with such conditions, and to the payment by the member of such contributions, as the Council thinks fit.

37 Election not to contribute to Fund

37.1 A member may elect not to contribute to the Fund.

37.2 An election under subsection 37.1 must be in writing and must be delivered to the Secretary:

- (a) in the case of a member who is a member at the commencing date—within 6 months after the date of commencement of the Amendment Statute; or
- (b) in any other case—within 6 months after the date of commencement of the Amendment Statute or within 6 months after the date on which he or she became a member, whichever is the later.

38 Rates of contribution by members

38.1 In addition to any other payments that the member is required to make under this Statute, a member must contribute to the Fund such percentage of his or her annual salary as is specified in the second column of the following table opposite to the age set out in the first column of that table that is the age, as determined in accordance with this section, of the member.

<i>Age of member in years</i>	<i>Member's contribution as a percentage of his or her annual salary %</i>
Not more than 29	0.50
30-34	0.75

35-39	1.00
40-44	1.25
45-49	1.50
Not less than 50	

38.2 If the member was a member at the commencing date, the age of the member for the purposes of the application of this section is to be determined as follows:

- (a) if the member has, by writing under his or her hand, notified the Vice-Chancellor or his or her nominee before the date of commencement of the Amendment Statute that the member will not elect not to contribute to the Fund—the age that the member attained or will attain on the anniversary of his or her birthday next following:
 - (i) the commencing date; or
 - (ii) the date of the notice referred to in this paragraph,
 whichever date the member chooses; and
- (b) if the member, by writing under his or her hand, notifies the Vice-Chancellor or his or her nominee after the date of commencement of the Amendment Statute but before the expiration of the period of 6 months after that date, that the member will not elect not to contribute to the Fund—the age that the member will attain on the anniversary of his or her birthday next following the date of that notice; and
- (c) in any other case—the age that the member will attain on the anniversary of his or her birthday next following the expiration of the period of 6 months after the date of commencement of the Amendment Statute.

38.3 If a member was not a member at the commencing date but became a member before the date of commencement of the Amendment Statute, the age of the member for the purposes of the application of this section is to be determined as follows:

- (a) if the member has, by writing under his or her hand, notified the Vice-Chancellor or his or her nominee before the date of commencement of the Amendment Statute that the member will not elect not to contribute to the Fund—the age that the member attained, or will attain, on the anniversary of his or her birthday next following:
 - (i) the date of his or her appointment; or
 - (ii) the date of the notice referred to in this paragraph,
 whichever date the member chooses; and
- (b) if the member, by writing under his or her hand, notifies the Vice-Chancellor or his or her nominee after the date of commencement of the Amendment Statute but before the expiration of the period of 6 months after that date, that the member will not elect not to contribute to the Fund—the age that the member will attain on the anniversary of his or her birthday next following the date of that notice; and
- (c) in any other case—the age that the member will attain on the anniversary of his or her birthday next following the expiration of the period of 6 months after the date of commencement of the Amendment Statute.

38.4 If the member was not a member at the date of commencement of the Amendment Statute, the age of the member for the purposes of the application of this section is the age that the member will attain on the anniversary of his or her birthday next following the date of his or her appointment.

- 38.5 For the purposes of this section, *annual salary*, in relation to a member, means—
- (a) if the annual salary applicable to the member on the University pay day last preceding the last preceding anniversary of his or her birth is a salary in an incremental range of salaries, the maximum amount to which that salary might, as at that pay day, be increased; or
 - (b) if the salary applicable to the member on that pay day is not such a salary, the annual salary payable to the member as at that pay day.

38.6 For the purposes of this section as in force on the University pay day next following the commencement of this subsection, the annual salary applicable in relation to a member by virtue of subsection 33(6) of the previous statute is, until the University pay day last preceding the next succeeding anniversary of the birth of the member, to be taken to be the annual salary applicable to the member in accordance with subsection 38.5.

38.7 For the purposes of the application of this section to and in relation to a member who commences to contribute to the Fund under this Part after the commencement of this subsection, the salary applicable to the position of the member on the day on which he or she commences so to contribute to the Fund is to be taken to be the salary that was applicable to his or her position on the University pay day last preceding the last preceding anniversary of his or her birth.

39 Reduction in contributions payable by certain members

39.1 In this section, a reference to a share of a member in the Supplementary Superannuation Benefits Fund means the part of that Fund as determined by the actuary that is attributable to the contributions of the member to that Fund.

39.2 If a member who was an eligible member within the meaning of Part V at the commencing date does not elect not to contribute to the Fund, the share of the member in the Supplementary Superannuation Benefits Fund is, at the discretion of the Council, acting with the advice of the actuary:

- (a) to be paid to a member; or
- (b) to be transferred to the Fund.

39.3 If the Council determines that the share of a member in the Supplementary Superannuation Benefits Fund is to be transferred to the Fund, it must be applied, as determined by the Council, towards reducing the amount that the member would otherwise have to pay to the Fund under section 38.

39.4 The share of a member in the Supplementary Superannuation Benefits Fund must be determined:

- (a) in the case of a member referred to in paragraph 38.2(a)—at whichever of the dates referred to in that paragraph that the member chooses to apply for the purposes of ascertaining his or her age; and
- (b) in the case of a member referred to in paragraph 38.3(a)—at whichever of the dates referred to in that paragraph that the member chooses to apply for the purposes of ascertaining his or her age; and
- (c) in the case of a member referred to in paragraph 38.2(b) or 38.3(b)—at the date of the notice referred to in whichever of those paragraphs is applicable to the member; and

- (d) in the case of a member referred to in paragraph 38.2(c) or 38.3(c)—at the date 6 months after the date of commencement of the Amendment Statute.

40 Contributions to Fund

40.1 The Council must deduct from each fortnightly payment of salary falling due to a member such amount as the Council determines in respect of the contributions that the member is required to make to the Fund.

40.2 The Council must pay to the Fund any amounts received by it under this section.

41 Rate of pension

41.1 The pension payable to a member on the entitlement date applicable to the member is to be an amount per annum ascertained as follows:

- (a) if the member has had not less than 40 years university service—the amount set out in the second column of the table in this subsection opposite to the annual salary that the member was receiving at the date of his or her retirement that is set out in the first column of that table; and
- (b) if the member has had less than 40 years but not less than 30 years university service—the amount set out in the second column of the table in this subsection opposite to the annual salary that the member was receiving at the date of his or her retirement that is set out in the first column of that table less an amount equal to 1% of that amount for every year by which the member's service is less than 40 years; and
- (c) if the member has had less than 30 years university service - the amount set out in the second column of the table in this subsection opposite to the annual salary that the member was receiving at the date of his or her retirement that is set out in the first column of that table less an amount equal to the total of:
 - (i) 10% of that amount; and
 - (ii) 2 1/2 % of that first-mentioned amount for every year by which the member's service is less than 30 years.

<i>Annual salary at entitlement date or date on which appointment terminated</i>	<i>Annual pension \$</i>
2,900 – 3,300	2,180
3,301 – 3,700	2,460
3,701 – 4,000	2,730
4,001 – 4,600	3,000
<i>Annual salary at entitlement date or date on which appointment terminated</i>	<i>Annual pension \$</i>
4,601 – 5,200	3,460
5,201 – 5,800	3,820
5,801 – 6,400	4,280
6,401 – 7,000	4,640
7,001 – 7,800	5,090
7,801 – 8,600	5,640
8,601 – 9,400	6,100
9,401 – 10,200	6,550

10,201 – 11,000	7,070
11,001 – 11,800	7,460
11,801 – 12,600	7,920
12,601 – 13,400	8,280
13,401 – 14,200	8,740
14,201 – 15,000	9,190
15,001 – 15,800	9,650
15,801 – 16,600	10,100
16,601 – 17,400	10,560
17,401 – 18,200	11,010
18,201 – 19,000	11,470
19,001 – 19,800	11,920
19,801 – 20,600	12,380
20,601 – 21,400	12,830
21,401 – 22,200	13,190
22,201 – 23,000	13,650
23,001 – 23,800	14,100
23,801 – 24,600	14,560
24,601 – 25,400	15,010
25,401 – 26,200	15,470
26,201 – 27,000	15,920
27,001 – 27,800	16,380
27,801 – 28,600	16,830
28,601 – 29,400	17,290
29,401 – 30,200	17,740
30,201 – 31,000	18,200
31,001 – 31,800	18,650
31,801 – 32,600	19,110
32,601 – 33,400	19,560
33,401 – 34,200	20,020
34,201 – 35,000	20,470
35,001 – 35,800	20,930
35,801 – 36,600	21,380
36,601 – 37,400	21,840
37,401 – 38,200	22,290
38,201 – 39,000	22,750
39,001 – 39,800	23,200
39,801 – 40,600	23,660
40,601 – 41,400	24,220
41,401 – 42,200	24,470
42,201 – 43,000	25,050
<i>Annual salary at entitlement date or date on which appointment terminated</i>	<i>Annual pension \$</i>
43,001 – 43,800	25,480
43,801 – 44,600	25,930
44,601 – 45,400	26,390
45,401 – 46,200	26,840
46,201 – 47,000	27,300
47,001 – 47,800	27,750
47,801 – 48,600	28,210
48,601 – 49,400	28,660

49,401 – 50,200	29,120
50,201 – 51,000	29,570
51,001 – 51,800	30,030
51,801 – 52,600	30,480
52,601 – 53,400	30,940
53,401 – 54,200	31,390
54,201 – 55,000	31,850
55,001 – 55,800	32,300
55,801 – 56,600	32,760
56,601 – 57,400	33,210
57,401 – 58,200	33,670
58,201 – 59,000	34,120
59,001 – 59,800	34,580
59,801 – 60,600	35,030
60,601 – 61,400	35,490
61,401 – 62,200	35,940
62,201 – 63,000	36,400
63,001 – 63,800	36,850
63,801 – 64,600	37,310
64,601 – 65,400	37,760
65,401 – 66,200	38,220
66,201 – 67,000	38,670
67,001 – 67,800	39,130
67,801 – 68,600	39,580
68,601 – 69,400	40,040
69,401 – 70,200	40,490

41.2 Subject to subsection 41.3, a member whose salary is increased during the period of 12 months immediately preceding the entitlement date applicable to the member and who thereby becomes eligible to receive a higher rate of pension at that date must, before pension at the rate applicable to that higher salary becomes payable to the member, pay an amount equal to the amount of contributions that he or she would have had to pay the Fund if he or she had been in receipt of that higher salary for the whole of the period of 12 months immediately preceding that date.

41.3 If:

- (a) after, but as from a date before, the entitlement date applicable to a member; or
- (b) after, but as from a date before, the entitlement date applicable to a former member in receipt of a pension under this Part who retired on or after that entitlement date,

his or her salary is increased the member would, if that date had not been reached, have become eligible to receive a higher rate of pension at that date, he or she is entitled, subject to subsection 41.4, to be paid a pension at that higher rate from the entitlement date or the date on which he or she retires or retired, as the case requires.

41.4 A member or a former member is not entitled to receive a pension under subsection 41.3 unless the member pays an amount equal to the amount of the contributions to the Fund that he or she would have had to pay if he or she had been in receipt of that higher rate of salary for the whole of the period of 12 months immediately preceding the entitlement date applicable to the member or former member.

41.5 If:

- (a) a member referred to in subsection 41.2 dies before attaining the entitlement date applicable to the member; or
- (b) a member or former member referred to in subsection 41.3 dies before the date on which an increase in salary, that would have been applicable to the member or former member, is made,

pension at the rate applicable to the higher rate of salary payable to, or that would have been payable to, the member or former member is payable in respect of the member or former member without payment of the contributions or further payment of the contributions referred to in whichever of subsections 41.2 or 41.4 is applicable.

41.6 If:

- (a) a member dies before attaining the entitlement date applicable to the member;
- (b) after, but as from a date before his or her death, an increase in salary that would have been applicable to the member is made; and
- (c) the salary that he or she would have received as so increased would have made the member eligible to receive a higher rate of pension at the entitlement date applicable to that member,

the pension payable in respect of the former member must be increased as from the date of his or her death to the pension that would have been payable if the former member had been in receipt of that increased salary at the date of his or her death.

41.7 If the appointment of a member to the University is terminated because of invalidity or incapacity, this section applies in relation to the member as if the references in this section, other than in paragraph 41.5(a) and in subsection 41.6, to the entitlement date applicable to the member were references to the date on which the appointment of the member was terminated.

42 Rate of pension in special cases

42.1 If:

- (a) a member has received, in respect of any of his or her university service, a payment or benefit that is similar to, or of the same type as, a benefit payable under this Statute; or
- (b) a member, being a member who has taken the transfer of his or her policy or received an amount under subsection 50.2 and is restored to health, is again employed by the University and again becomes a member,

the rate per annum of the appropriate pension in relation to the member must be reduced by an amount equal to the rate per annum, or, in the case of a married member, the initial rate per annum of the annuity that could be purchased in respect of the member with an amount equal to the value that the benefit so received would have had on the retirement of the member if it had been invested at the time of receipt.

42.2 Without affecting the generality of paragraph 42.1(a), a member is to be regarded as having received, in respect of any of his or her university service, a payment or benefit that is similar to a benefit payable under this Statute if, in relation to any part of that service:

- (a) there has been paid to or in respect of the member a payment or benefit from a superannuation or retirement benefit scheme or arrangement; or

- (b) there has been paid to or in respect of the member a refund of the contributions (including interest on those contributions, if payable) paid by the member to such a scheme or arrangement; or
- (c) the member or any other person has a deferred entitlement to a benefit under such a scheme or arrangement.

42.3 If the Council has approved, as university service of a member for the purposes of this Part, a part only of the full-time service by the member as a teacher or other officer of another university or any other full-time service of a similar nature by the member, the whole of any payment or benefit received, or to be regarded as having been received, by the member in respect of the whole or a part of that full-time service is to be regarded, for the purposes of subsections 42.1 and 42.2, as having been received in respect of the part of the full-time service that has been approved by the Council.

43 Resignation, retirement or dismissal of member before entitlement date

43.1 If a member who is contributing to the Fund retires after attaining 60 years of age but before the entitlement date applicable to the member, section 49 is, subject to subsection 43.2, to apply to and in relation to that member as if he or she had retired on or after that date.

43.2 The pension, if any, payable to a member to whom subsection 43.1 applies under paragraph 49.1(a) in its application to and in relation to the member by virtue of subsection 43.1 is payable to that member, from 31 December in the year in which he or she retires, at the rate that is such percentage of the rate of pension referred to in that paragraph as is specified in the second column of the table in this subsection in respect of the age of the employee at the date of his or her retirement, as set out in the first column of that table.

<i>Age on retirement</i>	<i>Percentage pension</i>
60	80
61	85
62	90
63	95
64	97.5

- 43.3 If a member who is contributing to the Fund:
- (a) resigns from the full-time service of the University, his or her resignation being accepted; or
 - (b) is dismissed from the full-time service of the University,
- the Council must pay to him or her from the Fund an amount equal to the sum of:
- (c) the amounts contributed by him or her to the Fund; and
 - (d) if the share of the member in the Supplementary Benefits Fund was transferred to the Fund by virtue of subsection 39.2 the amount, if any, that remains after deducting from that share the amount that has been applied under subsection 39.3 towards reducing the contributions payable by the member to that Fund.

44 Rights of members with unassurable lives

44.1 This section applies to a member who when he or she became a member:

- (a) had a policy other than an endowment assurance policy; or
- (b) elected under subsection 10.3 (or subsection 9(3) of the previous statute) that the contributions under section 12 of this Statute (or section 11 of the previous statute) in respect of the member should be held and accumulated by the Council.

44.2 A member to whom this section applies who is a member at the entitlement date applicable to the member is entitled to benefits under this Statute as if this section did not apply.

44.3 If:

- (a) a member to whom this section applies dies; or
- (b) the appointment to the University of a member to whom this section applies is terminated because of invalidity or incapacity,

before the entitlement date applicable to the member, the Council must pay to the member from the Fund or, if the member is dead, to a person referred to in paragraph 20.1(a), 20.1(b) or 20.1(c), as the case requires, an amount equal to the sum of:

- (c) the amounts contributed by the member to the Fund; and
- (d) the amounts, if any, contributed by the member to the Supplementary Superannuation Benefits Fund; and
- (e) the amount of the contributions paid by the University in respect of the member to either of the Funds referred to in paragraphs 44.3(c) and 44.3(d).

PART VII—GENERAL PROVISIONS RELATING TO SUPPLEMENTARY SUPERANNUATION BENEFITS

45 Interpretation

45.1 In this Part:

the actuary means an actuary appointed by the Council to be an actuary for the purposes of performing any of the functions that an actuary is required to perform under this Part;

the Fund, in relation to a member, means the Fund to which the member is contributing by virtue of Part V or Part VI.

45.2 In this Part, in relation to a member, expressions used have the meaning they have in Part V or Part VI, whichever is applicable to the member.

45.3 In this Part, a reference to a member is to be read as a reference to an eligible member within the meaning of Part V or to a member who is contributing to the 1966 Supplementary Superannuation Benefits Fund, as the case requires.

46 Member who becomes member of approved superannuation scheme

46.1 If a member becomes a member of a superannuation scheme specified by the Council for the purposes of section 7 the amount of the contributions paid by that member, and by the University in respect of that member, to the Fund is to be dealt with in such manner as the Council determines.

47 Payment of contributions by members during absences

47.1 If a member is absent from the service of the University, with or without remuneration from the University, the member is to pay, at his or her election, either in advance or by fortnightly payments, to the University in respect of that period of absence, an amount determined by the Council, not being an amount greater than:

- (a) in the case of an eligible member within the meaning of Part V—the aggregate of—
 - (i) 1 1/4 % of the salary of the member for that period; and
 - (ii) 3 1/4 times the amount of the contributions, if any, that would have been payable by the member during that period under Part V if he or she had not been so absent; or
- (b) in the case of a member who is contributing to the 1966 Supplementary Superannuation Benefits Fund—3 times the amount of the contributions that would have been payable by the member during that period to the Fund if he or she had not been so absent.

47.2 If a member fails to make an election under subsection 47.1, he or she is to be regarded as having elected to pay the amount referred to in that subsection by fortnightly payments.

47.3 In addition to the amount payable under subsection 47.1 by a member who is contributing to the 1966 Supplementary Superannuation Benefits Fund, there is payable by that member an amount equal to the amount (if any) paid into that Fund in respect of that member under a determination under paragraph 58.2(c).

48 Contributions for certain members not to be deducted

- 48.1 A deduction must not be made from a payment of salary falling due to a member:
- (a) subject to section 47—while the member is absent from the service of the University; or
 - (b) if the member ceases to contribute to the Fund—after the member so ceases to contribute; or
 - (c) if the member continues in office after the entitlement date applicable to the member—after that date.

49 Member retiring at or after entitlement date—alternatives available

49.1 Subject to this Part, in the event of the retirement of a member at or after the entitlement date applicable to him or her, he or she is entitled, at his or her election:

- (a) to be paid a pension for his or her life at a rate per annum equal to the rate per annum of the appropriate pension in relation to the member; or
- (b) to be paid:
 - (i) an amount equal to the moneys that would, under section 21, be paid to, or used in purchasing an annuity payable to, the member if he or she were not contributing to the Fund; and
 - (ii) if the rate per annum of the pension referred to in paragraph 49.1(a) exceeds the rate per annum, or, in the case of a married member, the initial rate per annum, of the annuity that could be purchased in respect of the member with the amount referred to in paragraph 49.1(a)—a pension for his or her life at a rate per annum equal to the excess; or

- (c) to be paid an amount equal to the sum of:
 - (i) an amount equal to the moneys that would, under section 21, be paid to, or used in purchasing an annuity payable to, the member if he or she were not contributing to the Fund; and
 - (ii) an amount equal to the amounts contributed by the member to the Fund.

49.2 A member is not entitled to benefits under this section unless he or she transfers to the University all his or her rights and interests in the moneys referred to in paragraph 48.1(b) or (c), whichever is applicable to the member.

49.3 Subject to this Part, if a former member, other than a member who did not make an election under section 34, dies while in receipt of, or entitled to, a pension under this section, his widow or her widower, as the case requires, is entitled to be paid a pension for life, or until remarriage, at a rate per annum that is equal to 5/8 of the rate per annum of the pension of the deceased person.

49.4 Subject to this Part, if a former member who did not make an election under section 34 dies while in receipt of, or entitled to a pension under this section, his widow or her widower, as the case requires, is entitled to be paid a pension for life or until remarriage, at a rate per annum that is equal to 1/2 of the rate per annum of the pension of the deceased person.

49.5 If a former member dies while in receipt of, or entitled to, the pension referred to in paragraph 49.1(a), his widow or her widower, as the case requires, is entitled, in addition to the pension applicable by virtue of subsection 49.3 or 49.4, to a pension at the rate of \$208 per annum in respect of each child in his or her custody who is under the age of 16 years, or, if the child is attending school, college or university as a full-time student, 21 years.

50 Member compulsorily retired—alternatives available

50.1 Subject to this Part, a member, other than a member referred to in section 44, who has his or her appointment to the University terminated because of invalidity or incapacity is entitled to be paid a pension for his or her life at a rate per annum equal to:

- (a) 1/2 of the rate per annum of his or her salary on retirement; or
- (b) the rate per annum of the pension that would be the appropriate pension in relation to the member on his or her retirement if his or her university service were increased by the additional service that he or she would have if he or she continued in the service of the University without increase in salary until he or she reached the entitlement date applicable to him or her,

whichever is the less.

50.2 A member may elect, in lieu of the pension referred to in subsection 50.1:

- (a) to take a transfer of his or her policy, or, if the member so desires, to be paid an amount equal to the value of that policy, at the member's retirement; or
- (b) if the policy has matured before the retirement of the member—to be paid an amount equal to the moneys that would, under section 21, be paid to, or used for purchasing an annuity payable to, the member if he or she were not contributing to the Fund,

together with:

- (c) an amount equal to the amounts contributed by the member to the Fund; or

- (d) in an appropriate case, a pension for his or her life at a rate per annum ascertained in accordance with subsection 50.3.

50.3 If the rate per annum of the pension to which a member would be entitled under subsection 50.1 exceeds the rate per annum, or in the case of a married member, the initial rate per annum, of the annuity that could be purchased in respect of a member:

- (a) with an amount equal to the value of the policy of the member at his or her retirement; or
- (b) with the moneys referred to in paragraph 50.2(b),

the rate of the pension referred to in paragraph 50.2(d) is a rate per annum equal to the excess.

50.4 If:

- (a) a member is entitled to benefits under this section; and
- (b) the share of the member in the Supplementary Superannuation Benefits Fund had been transferred to the 1966 Supplementary Superannuation Benefits Fund by virtue of subsection 39.2,

there is to be payable to the member, in addition to any amount payable to the member under this section, an amount equal to the amount, if any, that is ascertained by deducting from that share the amount that has been applied under subsection 39.3 towards reducing the contributions payable by the member to the 1966 Supplementary Superannuation Benefits Fund.

50.5 A member, other than a member who takes a transfer of his or her policy in accordance with paragraph 50.2(a), is not entitled to benefits under this section unless he or she transfers to the University all his or her rights and interests in that policy or in the moneys referred to in paragraph 50.2(b), as the case may be.

50.6 If the University has a lien or charge on the policy of the member by virtue of section 19, the member is not entitled to benefits under this section unless the member discharges, or enters into an agreement with the Council to discharge, that lien or charge.

50.7 Subject to this Part, if a former member, other than a member who did not make an election under section 34, dies while in receipt of, or entitled to, a pension under this section, his widow or her widower, as the case requires, is entitled to be paid a pension for life, or until remarriage, at a rate per annum equal to 5/8 of the rate per annum of the pension of the deceased person.

50.8 Subject to this Part, if a former member who did not make an election under section 34 dies while in receipt of, or entitled to, a pension under this section, his widow or her widower, as the case requires, is entitled to be paid a pension for life, or until remarriage, at a rate per annum that is equal to 1/2 of the rate per annum of the pension of the deceased person.

50.9 If a former member dies while in receipt of, or entitled to, a pension referred to in subsection 50.1, his widow or her widower, as the case requires, is entitled, in addition to the pension referred to in subsection 50.7 or 50.8 that is applicable to him or her, to a pension at the rate of \$208 per annum in respect of each child in his or her custody who is under the age of 16 years, or if the child is attending a school, college or university as a full-time student, 21 years.

50.10 This section does not apply to a member who is compulsorily retired because of invalidity or incapacity that is due to wilful action on the part of the member for the purposes of obtaining a benefit under this section.

50.11 The Council may, from time to time, suspend the payment, or vary the amount, of pension payable to a former member under this section if it is satisfied, after due inquiry, that:

- (a) the invalidity or incapacity of the former member has ceased or substantially altered; and
- (b) the suspension or variation, as the case may be, will not cause hardship to the former member.

51 Member dying in service—alternatives available

51.1 Subject to this Part, if a member dies leaving a widow or widower, as the case requires, who is, or is to be taken to be, the designated beneficiary of the member, the widow or widower is entitled, at his or her election:

- (a) to be paid a pension for his or her life, or until his or her remarriage at a rate per annum that—

- (i) in the case of a widow or widower of a member who did not make an election under section 34—is equal to 1/2; or

- (ii) in any other case—is equal to 5/8

of the rate per annum of the pension to which the member would have been entitled under subsection 50.1 if he or she had, on the day of his or her death, been compulsorily retired because of invalidity or incapacity and had satisfied the requirements of subsections 50.5 and 50.6; or

- (b) to be paid:

- (i) an amount equal to the moneys that would, under section 20 or 21, have been paid to the widow or widower if the member had not been contributing to the Fund; and

- (ii) if the rate per annum of that pension exceeds the rate per annum of the annuity that could be purchased for the widow or widower for his or her life with the amount referred to in subparagraph 51.1(b)(i)—a pension for his or her life, or until his or her remarriage, at a rate per annum equal to the excess.

51.2 A widow or widower who is entitled to be paid the pension referred to in paragraph 51.1(a) is entitled, in addition to that pension, to a pension at the rate of \$208 per annum in respect of each child in his or her custody who is under the age of 16 years, or, if the child is attending a school, college or university as a full-time student, 21 years.

51.3 If:

- (a) a widow or widower is entitled to benefits under this section; and
- (b) the share of the deceased member in the Supplementary Superannuation Benefits Fund had been transferred to the 1966 Supplementary Superannuation Benefits Fund by virtue of subsection 39.2,

there is to be payable to the widow or widower, in addition to any amount payable to him or her under this section, an amount equal to the amount, if any, that is ascertained by deducting from that share the amount that had been applied under subsection 39.3 towards reducing the contributions payable by the deceased member to the 1966 Supplementary Superannuation Benefits Fund.

51.4 The widow or widower of a member is not entitled to benefits under this section unless, in any case in which the University has a lien or charge on the policy of the member by virtue of

section 19, she or he discharges, or enters into an arrangement with the Council to discharge, that lien or charge.

51.5 If a member dies, and at the date of his or her death, the member's husband or wife is dead, the amount referred to in subsection 51.3 is to be paid to the University and the University is to dispose of that amount as if it were moneys to which subsection 20.1 applied.

52 Orphan children

52.1 Subject to this Part, if a widow or widower who is in receipt of a pension in respect of a child under subsection 49.5, 50.9 or 51.2 dies, the child is entitled to be paid a pension at the rate of \$520 per annum, or at a rate of such amount as is determined in accordance with subsection 52.3, whichever rate is the higher, until he or she attains the age of 16 years, or, if the child is attending a school, college or university as a full-time student, 21 years.

52.2 Subject to this Part, if:

- (a) a former member dies while in receipt of, or entitled to a pension referred to in paragraph 49.1(a) or subsection 50.1; and
- (b) at the date of the death of the former member, the husband or wife of the member is dead, but, if he or she had survived the former member, would have been, or would have been taken to have been, the designated beneficiary of the former member; and
- (c) the former member leaves a child,

the child is entitled to be paid a pension at the rate of \$520 per annum, or at a rate of such amount per annum as is determined in accordance with subsection 52.3, whichever rate is the higher, until he or she attains the age of 16 years, or, if the child is attending a school, college or university as a full-time student, 21 years.

52.3 The amount to be determined for the purposes of subsections 52.1 and 52.2 is the sum of \$208 and an amount ascertained by dividing by 4 (or if the number of children of the former member and of the former member's husband or wife in respect of whom pension is payable under this section is greater than 4, by the number of those children) the amount of the annual rate of the pension that, but for his or her death or divorce, would, by virtue of subsection 49.3 or 49.4, subsection 50.7 or 50.8 or subsection 51.1, as the case may be, have been payable to the former member's husband or wife.

52.4 A pension under this section is payable, on behalf of the child, to a person approved by the Council.

53 Council may determine that benefit will be payable in form of pension

53.1 The Council may, if it thinks fit, determine, either before or after the making by a person of an election referred to in section 49, 50 or 51, that the person is to be paid a pension in accordance with paragraph 49.1(a), subsection 50.1 or paragraph 51.1(a), as the case may be, and, upon the making of the determination:

- (a) a pension is to be payable to that person accordingly; and
- (b) that person ceases to have the right to make an election or an election made by that person is not to have any effect, as the case may be.

54 Fund's responsibility limited—certain over age or unassurable members

54.1 This section applies only to and in relation to a member to whom Part V applies.

54.2 Subject to this section, if:

- (a) a member who, when he or she became a member, had a policy other than an endowment assurance policy, dies or retires before that policy matures; or
- (b) a member who, when he or she became a member, elected, under subsection 10.3, that the contributions under section 12 in respect of the member should be held and accumulated by the Council dies or retires,

a pension payable under this Statute to or in respect of the member ceases to be payable to or in respect of the member from a date when, in the opinion of the actuary, that part of the Fund that is attributable to payments into the Fund made in respect of the member would, if the payments out of the Fund to or in respect of the member (including payments of premiums, if any, falling due for payment under an assurance policy on the life of the member) had been made from that part, be exhausted.

54.3 In forming an opinion for the purposes of subsection 54.2 in the case of a retired member, the actuary is to assume that there has been paid into the Fund in respect of the member an amount that is, in the opinion of the actuary, the value, at the time of forming the opinion, of the unmaturing policies, if any, of the member.

54.4 This section does not affect the rate of pension payable to or in respect of a member whose policy has matured.

55 Discretion of Council

55.1 When a pension ceases to be payable to or in respect of a person by virtue of section 54, the Council may, in its discretion, authorise the payment to the person who was in receipt of the pension of an allowance at a rate per annum not exceeding the rate per annum of the pension at the time of cessation.

55.2 When a person to whom an allowance is being paid under subsection 55.1 dies leaving a widow, widower or child who would, if the person had died while in receipt of a pension under this Statute, have been entitled to be paid a pension under this Statute, the Council may, in its absolute discretion, authorise the payment to the widow or widower, or to a person on behalf of the child, as the case may be, of an allowance at a rate per annum not exceeding the rate per annum of the pension that the widow, widower or child, as the case may be, would have been entitled to be paid.

55.3 The Council may cancel an allowance under this section at any time.

56 Pension to cease in certain cases

56.1 If a person in receipt of a pension under this Part:

- (a) becomes bankrupt or, without the consent in writing of the Council, assigns or charges, or attempts to assign or charge, his or her interest, or any part of his or her interest, in the pension or does or suffers anything to be done by which his or her interest in the pension, or any part of that interest would or might, through his or her act or default or by operation or process of law, become vested in, or payable to, any other person; or

(b) is, in the opinion of the Council, incapable of managing his or her own affairs, the pension ceases to be payable to the person.

56.2 When a pension ceases to be payable to or in respect of a person by virtue of subsection 56.1, the Council may, in its discretion, authorise the payment from time to time to the person, or to a dependant of the person, of such sums of money as the Council determines.

56.3 The total amount of any sums paid under subsection 56.2 in any year must not exceed the amount of pension that would have been payable to the person in that year if he or she had been in receipt of pension at the rate per annum at which pension was being paid to that person at the date on which pension ceased to be payable to that person.

56.4 When a person referred to in subsection 56.1 dies leaving a widow, widower or child, benefits are payable under this Statute to, or in respect of, the widow, widower or child, as the case may be, as if this section had not applied to the person.

57 Supplementary Superannuation Benefits Fund

57.1 There is to be a Fund to be known as the Supplementary Superannuation Benefits Fund from which is to be paid the benefits provided for by this Part in respect of a member who is contributing to that Fund under Part V, other than an allowance under section 55.

57.2 The Council may, if, at any time, there are surplus moneys in the Fund, direct that the whole or part of an allowance under section 55 be paid out of the surplus moneys and, in that event, the whole or part, as the case may be, is to be paid from the Fund accordingly.

57.3 The Council must pay into the Fund:

- (a) an amount equal to 1 1/4 % of the salary of each member contributing under Part V; and
- (b) the amounts that have been, and an amount equal to the amounts (if any) that would, but for the absence of members from the service of the University, have been, deducted from the salaries of members under Part V; and
- (c) an amount equal to 2 1/4 times the total of the amounts referred to in paragraph 57.3(b); and
- (d) such other sums as the Council on the advice of the actuary from time to time determines; and
- (e) moneys in respect of which the rights and interests of members or the widows or widowers of members have been transferred to the University under this Part; and
- (f) moneys paid to the University under the policies of members in respect of which the rights and interests of the members have been transferred to the University under this Part.

57.4 Income derived from the investment of the Fund forms part of the Fund.

57.5 The Council may pay from the Fund the premiums falling due for payment under a policy of a member after the member has transferred to the University, in accordance with subsection 49.2, all his or her rights and interests in the policy.

58 1966 Supplementary Superannuation Benefits Fund

58.1 There is to be a Fund to be known as the 1966 Supplementary Superannuation Benefits Fund from which is to be paid the benefits provided for by this Part in respect of a member who is contributing to that Fund under Part VI.

58.2 Subject to subsections 58.3 and 58.4, the Council is to pay into the Fund:

- (a) the amounts that have been, and an amount equal to the amounts (if any) that would, but for the absence of members from the service of the University, have been deducted from the salaries of members under Part VI; and
- (b) an amount equal to twice the total of the amounts referred to in paragraph 58.2(a); and
- (c) such other sums as the Council may from time to time determine; and
- (d) moneys in respect of which the rights and interests of members, or of the widows or widowers of members, have been transferred to the University under this Part; and
- (e) moneys paid to the University under the policies of members in respect of which the rights and interests of the members have been transferred to the University under this Part.

58.3 In addition to the amounts referred to in subsection 58.2, the Council is to pay into the Fund out of the Supplementary Superannuation Benefits Fund an amount equal to that part of the Supplementary Superannuation Benefits Fund that is attributable to the contributions of the members who do not elect not to contribute to the Fund and whose share in the Fund, as ascertained in accordance with section 39, the Council has determined, under that section, is to be transferred to the Fund.

58.4 In addition to the amounts referred to in subsections 58.2 and 58.3, the Council is to pay into the Fund, from the Supplementary Superannuation Benefits Fund, the amounts standing to the credit of the last-mentioned Fund at a date 6 months after the date of commencement of the *Staff Superannuation Amendment Statute No. 7*, less an amount equal to the total of:

- (a) the amount determined by the actuary as representing the part of the Supplementary Superannuation Benefits Fund that is attributable to the contributions of the members who elected not to contribute to the 1966 Supplementary Superannuation Benefits Fund and the part of the first-mentioned Fund that is attributable to the contributions made by the University to that Fund in respect of those members; and
- (b) such other amount as is determined by the actuary as being necessary to remain in the Supplementary Superannuation Benefits Fund, in addition to the amount referred to in paragraph 58.4(a), to satisfy any present and future claims against that Fund in respect of benefits payable out of that Fund; and
- (c) any amounts to be paid to members out of that Fund under section 39.

58.5 The amount paid by the Council into the Fund under subsection 58.4 is to be applied towards reducing the amount that the Council would, under subsection 58.2, have otherwise had to pay into the Fund.

58.6 Income derived from the investment of the Fund forms part of the Fund.

58.7 The Council may pay from the Fund the premiums falling due for payment under a policy of a member after the member has transferred to the University, in accordance with subsection 49.2, all his or her rights and interests in the policy.

59 Power of Council to increase pensions

59.1 The Council may, in its discretion, make payments out of the Supplementary Superannuation Benefits Fund or the 1966 Supplementary Superannuation Benefits Fund, as the case requires, for the purpose of increasing pensions payable to a person to whom a pension is payable under Part V or Part VI.

60 Investment of Fund moneys

60.1 Moneys standing to the credit of the Funds referred to in sections 57 and 58 are to be invested as the Council directs.

60.2 The Council may lodge moneys forming part of a Fund that are held uninvested, either at call or on fixed deposit or partly at call and partly on fixed deposit, with a bank.

61 Investigation as to state of Fund

61.1 An investigation as to the state and sufficiency of the Funds established by sections 57 and 58 is to be made by the actuary as at 30 June 1971 and as at the expiration of each subsequent period of 5 years.

61.2 The actuary must, by writing under his or her hand addressed to the Chief Financial Officer, report to the Council the result of an investigation referred to in subsection 61.1.

62 Deduction of moneys due by member from future payments

62.1 If:

- (a) the Council fails to deduct from the salary of a member an amount that it is required by this Statute to deduct; or
- (b) a member fails to pay to the Council an amount that he or she is required by this Statute to pay,

the Council may deduct the whole or part of that amount from:

- (c) any payment of salary to the member; or
- (d) any instalment of pension payable to the member or to the widow or widower of the member; or
- (e) any other amount payable to the member or to a designated beneficiary, dependant, executor, administrator or next of kin of the member.

63 Extension of election periods

63.1 If the Council is satisfied that, by reason of circumstances outside the control of a member, the period within which the member is entitled to make an election referred to in Part V or Part VI is insufficient, the Council may, whether before or after the expiration of that period, extend that period for such further period as the Council determines.

PART VIII—TERMINATION OF THE SCHEME

64 Interpretation

64.1 In this Part, unless the contrary intention appears:

actuary means an actuary referred to in section 65;

Funds mean the Supplementary Superannuation Benefits Fund established under Part V and the 1966 Supplementary Superannuation Benefits Fund established under Part VI;

fund manager means the manager of a superannuation fund chosen by the Council to take over responsibility for payment of benefits to persons who were, immediately before the termination date, pensioners and beneficiaries under the Scheme;

termination date means 30 June 1995.

65 Actuary

65.1 The Council may appoint an actuary to provide advice to the Council for the purposes of this Part.

66 Termination of the Scheme

66.1 Subject to subsection 66.2, if there are no members contributing to either of the Funds on the termination date, the Council may resolve that the Scheme is terminated with effect from that date.

66.2 The Council may only resolve that the Scheme is terminated on the termination date if:

- (a) the Council is satisfied that, on that date, appropriate arrangements have been made with an appropriate fund manager for the payment to pensioners and other beneficiaries of the Scheme of benefits no less favourable to them than those payable under this Statute; and
- (b) the actuary has advised the Council that he or she is satisfied that the arrangements made with the fund manager comply with paragraph 66.2(a).

66.3 The University must guarantee to the fund manager that sufficient monies will be made available by the University to ensure that the fund manager is able to make the payments under the arrangements.

66.4 The University must transfer to the fund manager so much of the Funds as the actuary certifies are, in his or her opinion, required to enable the fund manager to carry out his or her responsibilities under the arrangements.

66.5 After transferring to the fund manager the amount certified by the actuary, and after allowing for the reasonable costs and expenses of terminating the Scheme, the balance of the monies in the Funds are to be applied to the University for its general purposes.

66.6 If:

- (a) the Council and the actuary are satisfied that subsections 66.3, 66.4 and 66.5 have been complied with; and
- (b) the Council resolves to terminate the Scheme; and
- (c) the arrangements referred to in paragraph 66.2(a) are put into effect, and

(d) the University gives the guarantee referred to in subsection 66.3, the Scheme is terminated with effect on and from the termination date.

66.7 When the Scheme is terminated under subsection 66.6, this Statute ceases to have effect.

PART IX—MISCELLANEOUS

67 Rules

67.1 The Council may, from time to time, make rules, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed for carrying out or giving effect to this Statute.

68 Transitional

68.1 If, in its application to a member, there is a difference in any material respect between a provision of this Statute and the corresponding provision of the previous statute, the member is entitled to use the provision that would be more beneficial to the member.

68.2 If a person was, immediately before the commencement of this Statute, a member within the meaning of the previous statute, nothing in this Statute is to be taken as terminating or adversely affecting the person's membership after the commencement of this Statute.

68.3 Nothing in this Statute operates to confer eligibility on a person to be a member under this Statute if the person was not, or could not have been, a member under the previous statute.

68.4 To avoid doubt, a reference in this Statute to a provision in this Statute is, if the case so requires, taken to be a reference to the corresponding provision in the previous statute.

69 Repeal

69.1 The Staff Superannuation Statute, as amended and in force immediately before the commencement of this Statute, is repealed.

SCHEDULE

Section 2

The Australasian Temperance and General Mutual Life Assurance Society Limited.
Australian Mutual Provident Society.
Legal and General Assurance Society Limited.
The City Mutual Life Assurance Society Limited.
The Colonial Mutual Life Assurance Society Limited.
The Mutual Life and Citizens' Assurance Company Limited.
The National Mutual Life Association of Australasia Limited.
The Prudential Assurance Company Limited.

This Statute commenced on 14 December 2007.