

SUPERANNUATION AND FAMILY BENEFITS (No. 2).

No. 75 of 1973.

**AN ACT to amend the Superannuation and Family
Benefits Act, 1938-1973.**

[Assented to 17th December, 1973.]

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

1. (1) This Act may be cited as the *Superannuation and Family Benefits Act Amendment Act (No. 2)*, 1973.

Short title
and citation.

(2) In this Act the Superannuation and Family Benefits Act, 1938-1973 is referred to as the principal Act.

Reprinted as
approved for
reprint 16th
August, 1968
and
amended by
Acts Nos. 78
of 1967, 13 of
1968, 27 of
1969, 22 and
108 of 1970
and 16 of
1973.

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(3) The principal Act as amended by this Act may be cited as the Superannuation and Family Benefits Act, 1938-1973.

Commence-
ment.

2. (1) Sections 1, 2, 4, 5, 6, 8, 9, 15, 16, 21, 22 and 25 of this Act and paragraph (b) of section 14 of this Act shall come into operation on the day on which this Act receives the Royal Assent.

(2) Sections 7 and 11 of this Act shall come into operation on the first day of January, 1974.

(3) Sections 3, 10, 12, 13, 17, 18, 19, 20, 23, 24 and 26 of this Act and paragraph (a) of section 14 of this Act shall come into operation on the eleventh day of January, 1974.

Section 6
amended.

3. Subsection (1) of section 6 of the principal Act is amended by deleting the word "twenty-one" in line three of the interpretation "student child" and substituting the word "twenty-five".

Section 6A
added.

4. The principal Act is amended by adding after section 6 the following section—

6A. (1) In this section—

"the Association" means the body corporate under the name of The Civil Service Association of Western Australia;

"the existing Association scheme" means the scheme established by deed of trust made on the twenty-third day of June, nineteen hundred and sixty-six between the Association and certain other parties for the purpose of making provision for retiring pensions and benefits to present and future employees of the Association.

Admission
to Fund of
certain
employees
of Civil
Service
Association.

(2) Upon the execution by the Treasurer pursuant to the authority of this section of an agreement with the Association and subject to any term of the agreement—

(a) any employee of the Association who is at the time of the execution of the agreement a contributor to the existing Association scheme shall become a contributor under this Act and shall be deemed—

(i) to have become such a contributor on the day on which he became a contributor to the existing Association scheme; and

(ii) to have contributed for units of pension under this Act at the same time as he respectively contributed for units of pension under the existing Association scheme; and

(b) any person who, after the execution of the agreement, becomes a full-time employee of the Association is eligible to become a contributor under this Act if he would be eligible at that time to become a contributor had he become an employee in a department on that date.

(3) For the purposes of any provision of this Act in which the length of service of a contributor is relevant for the purpose of ascertaining the benefits to be paid under this Act, any period of full-time service by an employee with the Association—

(a) for which the employee also was a contributor to the existing Association scheme; or

(b) for which the employee makes contributions under this Act,

shall be deemed to be service with the State.

(4) The Treasurer is hereby authorised on behalf of the State to execute an agreement with the Association and the Trustees of the existing Association scheme for the purposes of giving effect to the provisions of this section, but any such agreement shall contain, *inter alia*, provisions—

- (a) requiring the Association or the Trustees to pay to the Fund the total of all contributions made by employees of the Association under the existing Association scheme and held by the Association or the Trustees on the date of execution of the agreement;
- (b) requiring the Association or the Trustees to pay to the Treasurer the total amount of all contributions which were required to be provided to the Trustees by the Association to meet the Association's liability under the existing Association scheme in respect of employees who are members of the existing Association scheme on the date of execution of the agreement;
- (c) requiring the Association to pay to the Board for transmission to the Treasurer each fortnight after the date of execution of the agreement a sum equal to two and one-half times the aggregate of its employees' contributions in respect of the first twenty units and five times the aggregate of its employees' contributions in respect of all other units.

Section 32A
repealed and
re-enacted.

5. Section 32A of the principal Act is repealed and re-enacted as follows—

32A. (1) In this section—

“former employee” means a person who immediately prior to his becoming an employee within the meaning of this Act, was a contributor to a similar

Contributions where employee formerly contributed to similar fund in the service of the Commonwealth and certain States.

fund for standard benefits which were not liable to be reduced for ill-health or other reason;

“former employment” means employment by the Commonwealth or any other State;

“similar fund” means a fund or account established under the law applying to the former employment and providing for superannuation or other like benefits for persons employed in the former employment similar to the purposes of the Fund established pursuant to this Act.

(2) Notwithstanding the provisions of section thirty-five of this Act, a former employee—

- (a) who has received or is entitled to receive payment of an amount which is in satisfaction of contributions made by him to a similar fund and which is in lieu of pension or like benefits;
- (b) who is appointed as an employee within the meaning of this Act;
- (c) who, within three months of that appointment, elects to contribute under the provisions of this Act to the Fund,

may, within that period, pay or cause to be paid, that amount into the Fund, and thereupon—

- (d) that amount shall be applied in the redemption forthwith of all further contributions which would otherwise be payable fortnightly in respect of the number of whole units for which that amount is, in the opinion of an Actuary, sufficient, and any surplus therefrom shall be refunded;
- (e) the former employee shall be entitled to pension and benefits pursuant to the provisions of this Act as if he had become a contributor to the Fund on the date of his initial contribution to the similar fund.

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Section 36 amended.

6. Subsection (5) of section 36 of the principal Act is amended—

(a) by deleting paragraph (a) and substituting the following paragraph—

(a) who was, at the time of his retirement, contributing for a number of units not less than his primary unit entitlement; ;

(b) by deleting the words “the attainment of his elected retiring age” in lines two and three of paragraph (b), and substituting the words “his retirement”; and

(c) by deleting the words “the maximum age for” in lines two and three of the proviso to that subsection and substituting the words “his age at”.

Section 37 amended.

7. Section 37 of the principal Act is amended—

(a) by deleting Scale B appended to subsection (1) and substituting the following Scale B—

Column One		Column Two	Column Three	Column Four
Where Annual Salary Exceeds	Does not Exceed	Total Unit Entitlement	Primary Unit Entitlement	Non-Contributory Unit Entitlement
\$	\$			
—	324	2	2	—
324	390	2½	2½	—
390	520	3	3	—
520	650	4	4	—
650	780	5	5	—
780	910	6	6	—
910	1,040	7	7	—
1,040	1,170	8	8	—
1,170	1,300	9	9	—
1,300	1,430	10	10	—
1,430	1,560	11	11	—
1,560	1,690	12	12	—
1,690	1,820	13	13	—
1,820	1,950	14	14	—
1,950	2,080	15	15	—
2,080	2,210	16	16	—
2,210	2,340	17	17	—
2,340	2,470	18	18	—
2,470	2,600	19	19	—
2,600	2,860	20	20	—
2,860	3,120	22	21	1
3,120	3,380	24	22	2
3,380	3,640	26	23	3
3,640	3,900	28	24	4
3,900	4,160	30	25	5
4,160	4,420	32	26	6
4,420	4,680	34	27	7
4,680	4,940	36	28	8
4,940	5,200	38	29	9

Column One		Column Two	Column Three	Column Four
Where Annual Salary Exceeds	Does not Exceed	Total Unit Entitlement	Primary Unit Entitlement	Non-Contributory Unit Entitlement
\$	\$			
5,200	5,460	40	30	10
5,460	5,720	42	31	11
5,720	5,980	44	32	12
5,980	6,240	46	33	13
6,240	6,500	48	34	14
6,500	6,760	50	35	15
6,760	7,020	52	36	16
7,020	7,280	54	37	17
7,280	7,540	56	38	18
7,540	7,800	58	39	19

and thereafter Total unit entitlement is increased by 2, Primary unit entitlement by 1, and Non-Contributory unit entitlement by 1, units respectively for each \$260 of annual salary, or part thereof, above \$7,800.

; and

- (b) by repealing and re-enacting subsection (11) as follows—

(11) Where at any time within the period of two months immediately preceding the first day of January, nineteen hundred and seventy-four, a contributor was contributing for a number of units not less than his primary unit entitlement, he may, not later than the first day of April, nineteen hundred and seventy-four, elect to contribute for any number of additional units that does not exceed the difference (if any) between—

- (a) his total unit entitlement on the first day of January, nineteen hundred and seventy-four; and
 (b) his total unit entitlement on the thirty-first day of December, nineteen hundred and seventy-three. .

8. Section 37A of the principal Act is amended by adding after subsection (3) the following subsection—

Section 37A
amended.

- (3a) For the purposes of subsections (2) and (3) of this section, where—

- (a) the primary unit entitlement of a contributor at the time of his retirement is less than his primary unit

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entitlement at some time prior thereto;
and

- (b) the Board is satisfied that the reduction in the primary unit entitlement of the contributor arose from the acceptance by the contributor of employment at a lesser rate of salary for reasons connected with the contributor's health or for other good reasons not associated with any misconduct by the contributor,

the Board may determine that the higher primary unit entitlement formerly held by the contributor shall be deemed to be his primary unit entitlement at the time of his retirement.

Section 38
amended.

9. Section 38 of the principal Act is amended by adding after subsection (2) the following subsection—

(3) Notwithstanding any other provision of this section or of section thirty-nine of this Act, any refund of contributions which arises from a second or subsequent election made by a contributor to reduce the units other than reserve units for which he is contributing (not being an election made on the occasion of a reduction in salary) shall be held in the Fund to the credit of the contributor. .

S. 46AB
added.

10. The principal Act is amended by adding after section 46A the following new section—

Increase in
Fund Share
of pension.

46AB. (1) Where a contributor or former contributor is entitled to an amount of pension according to the number of units held by him on retirement, he is entitled, in addition to the amount of pension to which he is otherwise entitled, to an amount of ten cents per fortnight in respect of each unit for which he has contributed at any time prior to the first day of July, 1969 up to the time he became entitled to pension in respect thereof.

(2) The amount of increase of pension payable under subsection (1) of this section shall be paid by the Fund.

(3) The provisions of this section apply—

- (a) in respect of the first fortnightly payment of pension made in the month of January, nineteen hundred and seventy-four, and in respect of such subsequent payments;
- (b) to a widow who is entitled to receive an amount of pension under this Act and in accordance with the rate of pension payable to the widow as referred to in this Act.

11. Section 46C of the principal Act is repealed and re-enacted as follows—

Section 46C
repealed and
re-enacted.

46C. (1) In this section, unless the contrary intention appears—

“Index” means the table described as the Consumer Price Index Numbers—All Groups, Perth that is published by the Commonwealth Statistician under the authority of the Census and Statistics Act 1905 (as amended or re-enacted from time to time) of the Commonwealth;

“pay-day” means a day on which a fortnightly instalment of a pension is payable.

(2) Subject to this section, every pension payable under this Act to a former contributor shall be adjusted by the Board in each year in accordance with this section.

(3) The Treasurer shall, as soon as is practicable after the first day of January in each year, declare the percentage (if any) by which pensions shall be adjusted in respect of that year.

pension shall be made so as to operate from the first pay-day in the month of January immediately following that day, and the annual amount by which such a pension is to be increased shall be calculated in accordance with the prescribed formula.

(7) For the purposes of paragraph (b) of subsection (6) of this section, the prescribed formula is the formula—

$$P = A \times \frac{Q}{4}$$

where—

- P represents the annual amount referred to in that paragraph;
- A represents the amount by which, but for the operation of that subsection, the pension would have been increased; and
- Q represents the number of whole quarters (ending on the thirtieth day of June, the thirtieth day of September or the thirty-first day of December) within the period commencing on the day on which the pension became payable and ending on the following thirty-first day of December, for which the pension was payable.

(8) Where for the purposes of determining the adjustment to be made in pensions for any year, the Board certifies to the Treasurer that the Index for a quarter ending on the immediately preceding thirty-first day of December is less than the Index for the quarter ending on the penultimate preceding thirty-first day of December, the Board shall certify to that effect to the Treasurer and no adjustment shall be made in pensions for that year, and the percentage by which the

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first-mentioned Index is less than the second-mentioned Index shall first be taken into account before any subsequent adjustments of pensions are made pursuant to this section.

(9) The provisions of this section shall also be applied, with such modifications as are necessary, to reversionary pensions payable under the Sixth Schedule to this Act.

(10) The State shall pay to the Fund the amount of any increase in pension payable pursuant to this section, and the amount of any such increase shall, for the purposes of this Act, be wholly deemed to form part of the State share of the pension.

(11) The Consolidated Revenue Fund is hereby permanently appropriated to the extent necessary for the purposes of this section.

Section 52
repealed
and re-
enacted.

12. Section 52 of the principal Act is repealed and re-enacted as follows—

Age of
compulsory
retirement.

52. Subject to subsection (5) of section sixty of this Act, every contributor shall be entitled to a pension on his retirement on or after attaining the maximum age for retirement.

Section 57
repealed.

13. Section 57 of the principal Act is repealed.

Section 59
amended.

14. Section 59 of the principal Act is amended—

(a) by deleting paragraph (b); and

(b) by adding after the word “contributor” in line three of paragraph (c), the passage “(other than a contributor whose pension is granted under section sixty-one)”.

Section 60
amended.

15. Section 60 of the principal Act is amended by repealing and re-enacting subsection (4), as follows—

(4) Notwithstanding any other provision of the Act, the amount of the share of the pension payable by the State to a contributor who retires

after not less than ten but less than twenty years of aggregate service with the State shall not exceed the amount calculated in accordance with the formula—

$$\frac{F \times Y}{20}, \text{ where—}$$

F is the amount of the share of the pension payable by the State that would have been payable, but for this subsection, to the contributor if he had been contributing, immediately prior to his retirement, for a number of units equal to his primary entitlement; and

Y is the number of years of aggregate service that the contributor served with the State prior to his retirement.

16. The principal Act is amended by adding after section 60C the following new section— S. 60D added.

60D. (1) Subject to this section, a contributor who retires on or after the appointed day and thereby becomes entitled to receive pension under section sixty of this Act, may, within the period commencing one month prior to and ending three months after the date of his retirement, elect to commute the whole or any part of the Fund share of his pension to an equivalent entitlement by way of a lump sum payment. Commutation of Fund share of pension.

(2) A person who, on or after the appointed day, becomes the widow of a contributor or pensioner may, within the period of three months after the death of her husband or within the period of three months after her attaining the age of sixty years, whichever is the later, elect to commute the whole or any part of the Fund share of her widow's pension to an equivalent entitlement by way of a lump sum payment.

- (3) A person who—
- (a) was immediately prior to the appointed day the widow of a contributor or pensioner; and
 - (b) attains the age of sixty years on or after the appointed day,

may, within the period of three months after her attaining the age of sixty years, elect to commute the whole or any part of the Fund share of her widow's pension to an equivalent entitlement by way of a lump sum payment.

(4) Subject to the succeeding provisions of this section, an election that is made in accordance with this section takes effect—

- (a) thirty days after it is received by the Board; or
- (b) on such date as is expressed therein for that purpose by the contributor,

whichever is the later date, and the lump sum payment to which the contributor becomes entitled by reason of the making of the election is payable to the person by whom the election was made on that later date.

(5) Where an election made in accordance with this section is received by the Board—

- (a) it may not be revoked by the person by whom it was made; and
- (b) it is revoked if the person by whom it was made dies prior to the day on which the lump sum payment is payable pursuant to subsection (4) of this section,

but where that person dies on or after the day on which the lump sum payment is so payable but before payment of the lump sum has actually been made, the lump sum payment shall be paid to that person's personal representatives.

(6) A person is not entitled, except in the prescribed circumstances, to make more than one election under this section.

(7) Where a lump sum payment becomes payable to a person pursuant to an election made under subsection (1), (2) or (3) of this section, that person ceases to be entitled to be paid pension in respect of that part of the Fund share of the pension to which the election related, but an election made by a person under subsection (1) of this section does not affect or reduce any pension which may become payable to the widow of that person.

(8) An election made by a person under subsection (1) of this section is of no effect insofar as it seeks to commute any part of the Fund share of a pension that is payable in respect of an ineligible unit.

(9) An election made under subsection (1) of this section by a person who elects to retire before the age for which he elected to contribute is of no effect unless he has contributed in respect of each ineligible unit, the same contributions which he would have paid if he had not retired until he attained that age.

(10) In this section—

“appointed day” means the thirty-first day of December, nineteen hundred and seventy-three;

“equivalent entitlement by way of a lump sum payment” in relation to a commutation of part of the pension payable to a person means such lump sum payment as is determined by the Board on the recommendation of an Actuary to be the equivalent, in a lump sum form of the part of the pension which after commutation will cease to be payable to that person;

“Fund share”, in relation to a pension, means the part of the pension which is certified by the Board to be attributable to the contributions made by the contributor for that pension;

“ineligible unit” means any unit for which less than five years’ regular fortnightly contributions have been made prior to retirement, except where—

- (a) the election to contribute for the unit is validly made under subsection (10) or subsection (11) of section thirty-seven of this Act; or
- (b) the contributor has not less than three years prior to the date of his retirement completed the payment of all contributions which would have been payable in respect of the unit if the contributor had retired at the age for which he elected to contribute.

Section 62
repealed
and
re-enacted.

17. Section 62 of the principal Act is repealed and re-enacted as follows—

Widows’ and
Children’s
benefits, etc.

62. (1) The pensions and allowances payable under this Act to the widows, widowers and children of contributors and former contributors, and the rates of those pensions and allowances, shall, on and from the first fortnightly payment of pension in the year nineteen hundred and seventy-four, be those respectively set out in the Sixth Schedule to this Act.

(2) A person is eligible to receive a pension or allowance under the Sixth Schedule to this Act whether the circumstances or events which gave rise to the eligibility occurred before, on or after the date on which the Sixth Schedule comes into operation.

(3) The Consolidated Revenue Fund is hereby permanently appropriated to the extent necessary for the purpose of paying to the Fund such amounts as are payable under this Act

from the Consolidated Revenue Fund in respect of the pensions and allowances referred to in this section.

18. Section 63 of the principal Act is repealed. Section 63
repealed.

19. Section 64 of the principal Act is amended by repealing subsection (1). Section 64
amended.

20. Section 65 of the principal Act is amended by deleting the passage "a widower without children who are under the age of sixteen years or are student children, or is a widow," in lines two, three and four, and substituting the passage "a widower or widow without children who are under the age of sixteen years or student children,". Section 65
amended.

21. Section 66 of the principal Act is amended— Section 66
amended.

(a) by repealing and re-enacting subsection (1) as follows—

(1) In the event of the retrenchment of a contributor he shall be entitled to receive the contributions paid by him and a further sum equal to two and one-half times those contributions, but may elect within three months after his retrenchment to receive in lieu of those sums an equivalent pension determined by an Actuary. ; and

(b) by adding after the word "not" in line five of subsection (4) the passage " , unless he has repaid to the Board for transmission to the Treasurer five-sevenths of the lump sum so previously paid to him,".

22. Subsection (2) of section 67 of the principal Act is amended by adding after the word "not" in line five the passage " , except as provided in subsection (4) of section sixty-six of this Act,". Section 67
amended.

Section 69
amended.

23. Section 69 of the principal Act is amended—

- (a) by deleting the words “section sixty-three of” in lines six and seven of subsection (1) and substituting the words “the Sixth Schedule to”; and
- (b) by repealing and re-enacting subsection (2) as follows—

(2) Where a pensioner whose spouse is dead or divorced deserts any of his or her children who are dependent on him or her, the guardian of the children or the Board may apply to any court of competent jurisdiction, and, on proof of the desertion the court may order the payment during such period as it thinks desirable of pension in accordance with the provisions contained in Part II of the Sixth Schedule to this Act as if the pensioner were dead, and in that event—

- (a) the Board shall comply with the order; and
- (b) the Board shall, unless in the particular circumstances of the case it considers it unreasonable so to do, deduct from the pension paid to the pensioner the increase in children’s allowance which becomes payable pursuant to the order.

Section 70
amended.

24. Section 70 of the principal Act is amended—

- (a) by deleting the words “contained in section sixty-three of” in lines three and four of paragraph (a) of subsection (1) and substituting the words “of the Sixth Schedule to”;
- (b) by deleting the words “contained in section sixty-four of” in lines four and five of paragraph (b) of subsection (1) and substituting the words “of the Sixth Schedule to”; and

- (c) by deleting the words "section sixty-four of of this Act" in lines six and seven of subsection (2) and substituting the words "the Sixth Schedule to this Act as if she were dead".

25. The principal Act is amended by adding after section 85 the following section—

Section 85A
added.

85A. (1) Where the Board is satisfied, after such inquiry as it thinks necessary, that a person has, otherwise than through his own fault, lost or ceased to be entitled to a right, privilege, or benefit under this Act to which he was otherwise entitled or might have obtained, and that it is just and equitable that he should be allowed to have the enjoyment of the right, privilege, or benefit, the Board may permit the person to exercise the right or grant to him the privilege or benefit notwithstanding that the time prescribed by or under this Act for doing any action in relation thereto may have expired.

Discretion-
ary powers
of Board.

(2) The Board may, in the exercise of its powers under subsection (1) of this section, impose such conditions and requirements as it thinks just.

(3) Notwithstanding anything contained in this Act, where an application, election or notice under this Act has been or is made or given to the Board before the commencement, or after the expiration, of the period prescribed therefor by or under this Act, and the Board is satisfied that—

- (a) hardship would accrue to a person or his dependants if the same were not recognized; and
- (b) in all the circumstances of the case it is desirable that the same should be recognized,

the Board may recognize the application, election or notice, as the case may be, as if it had been made within the prescribed period.

Schedule added.

26. The principal Act is amended by adding at the end thereof the following schedule—

SIXTH SCHEDULE.

PART I.

REVERSIONARY PENSIONS.

Item No.	Column 1 Eligible Person	Column 2 Rate of Pension or Benefit	Column 3 Commencement of Pension	Column 4 Termination of Pension	Column 5 When Pension Restored
1.	Widow of former contributor who died after his retirement, if their marriage took place prior to retirement.	22/35 of pension which husband was receiving at date of death, plus 22/35 of any Fund share of pension which husband would have been receiving but for cash commutation of that share.	As from day after former contributor's death.	(a) On re-marriage prior to attaining age of 55 years (including any such re-marriage after pension has been restored after cessation of previous re-marriage). (b) On death of widow.	(a) During any period after re-marriage when widow is not a party to a subsisting marriage. (b) During any period of re-marriage if widow satisfies Board that loss of pension causes severe hardship.
2.	Widow of former contributor who died after his retirement, if their marriage took place after retirement.	As in item 1.	(a) As from day after former contributor's death if widow then aged 55 or more. (b) As from date widow attains age of 55 if she is less than 55 at date of former contributor's death.	On death of widow.	—

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| 3. Widow of contributor who died prior to his retirement. | (a) 22/35 of pension for which husband was contributing at date of death (less any reduction attributable to section 60 (4) based on his notional service to selected retiring age).

OR
(b) If widow so elects in writing to Board within three months of husband's death, a lump sum refund of contributions paid by contributor plus compound interest thereon at rate determined by Board, in lieu of (a). | As in item 1. | As in item 1. | As in item 1. |
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|---|---|---|--|---|
| 4. Widower of female contributor or former female contributor, who is not in receipt of any other pension under this Act and satisfies Board that at date of wife's death he was, because of his invalidity or for other good reason—fully or substantially dependent upon her. | 22/35 of pension for which wife was contributing at date of death (less any reduction attributable to s. 60 (4), based on her notional service to selected retiring age) or 22/35 of pension which wife was receiving at date of death, as case requires. | As from day after death of female contributor or former female contributor. | (a) When, in Board's opinion, circumstances no longer warrant its continuance.

(b) On death of widower. | 1 |
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PART II.—CHILDREN'S ALLOWANCES.

Eligibility and Rate of Benefit, etc.

Item 1:

- (1) Subject to the following, upon the death of a contributor, or of a former contributor who was in receipt of pension under this Act, an allowance of \$8.00 per week is payable in respect of each of his or her children who was at that time wholly or substantially dependent upon the contributor or former contributor.
- (2) Allowance is payable under this item only during any period when the child
 - (a) is wholly or substantially dependent upon the surviving parent or other person having the care of the child; and
 - (b) is under the age of 16 years or is a student child under the age of 25 years.

Item 2:

- (1) Subject to the following, an allowance at the rate fixed by sub-item (2) is payable in respect of the child of a contributor, or of a former contributor who was in receipt of pension under this Act, where—
 - (a) the contributor or former contributor had died and was at the date of his or her death a widower or widow or divorced, in which case the allowance is payable as from the day after the death of the contributor or former contributor; or
 - (b) the contributor or former contributor had died and was survived by a widow or widower who has since died, in which case the allowance is payable from the day after the death of that widow or widower.
- (2) The rate per week at which allowance is payable under this item is the greater of the following rates—
 - (a) \$10.00; or
 - (b) \$4.00 plus the amount calculated in

R
accordance with the formula $\frac{\text{---}}{\text{N}}$, where—
N

R is the rate of reversionary pension that was payable (or would if the widow or widower were eligible, have been payable)

to the surviving widow or widower at the date of her or his death (or the rate of reversionary pension that would have been so payable if the spouse of the contributor or former contributor had survived the contributor or former contributor); and N is 4 or the number of children of the contributor to whom allowance is payable under this item, whichever is the greater.

- (3) Allowance is payable under this item only during any period when the child is under the age of 16 years or is a student child under the age of 25 years.
- (4) Allowance is not payable under this item in respect of a child who was not, at the date of the death of the contributor, wholly, or substantially dependent upon him or her.

PART III.—GENERAL PROVISIONS.

Item 1:

Where a person is entitled under the foregoing provisions of this Schedule to receive more than one pension or child's allowance, or both such a pension and allowance, only the greatest of them shall be paid to that person.

Item 2:

Any child's allowance payable under the provisions of Part II of this Schedule may be paid to the parent or other person or body having the care or support of the child, or directly to the child, as the Board may determine.

Item 3:

Subject to adjustment pursuant to section 44 if applicable, payment of each child's allowance shall be made up as follows—

- (a) as to 75 cents per week, from the Fund;
and
 - (b) as to the balance, from the Consolidated Revenue Fund.
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