



# Statutory Rules

1977 No. *L*

*65/*

## REGULATIONS UNDER THE PAPUA NEW GUINEA (STAFFING ASSISTANCE) ACT 1973.\*

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Papua New Guinea (Staffing Assistance) Act 1973*.

Dated this *Twenty-sixth*  
day of *May*, 1977.

**A. R. CUTLER**  
Administrator.

By His Excellency's Command,

*[Signature]*  
Minister of State for Post  
and Telecommunications for  
and on behalf of the Treasurer.

### AMENDMENTS OF THE PAPUA NEW GUINEA (STAFFING ASSISTANCE) (SUPERANNUATION) REGULATIONS†

1. These Regulations shall be deemed to have come into operation on 1 July 1976. Commence-  
ment.
2. Regulation 3 of the Papua New Guinea (Staffing Assistance) (Superannua- Parts.  
tion) Regulations is repealed.
3. Regulation 4 of the Papua New Guinea (Staffing Assistance) (Superannua- Interpretation.  
tion) Regulations is amended—
  - (a) by omitting from sub-regulation (1) the definitions of "contributor" and "employee" and substituting the following definition:—  
"continuing contributor" means a person who, by virtue of regulation 9, continues, on and after 1 July 1976, to make contributions for a pension payable under these Regulations;";
  - (b) by omitting from sub-regulation (1) the definition of "salary" and substituting the following definition:—  
"salary", in relation to a continuing contributor, means the amount determined from time to time under regulation 4B as his salary for the purposes of these Regulations;";
  - (c) by omitting from sub-regulation (1) the definition of "the Board";

*30 May/*

\* Notified in the *Australian Government Gazette* on *L* 1977.  
† Statutory Rules 1973, No. 239 as amended by Statutory Rules 1974, Nos. 128 and 156; 1975, Nos. 134 and 179; and 1976, Nos. 74, 138 and 183.

- (d) by omitting from paragraph (a) of the definition of "the maximum age for retirement" in sub-regulation (1) the words "who has made an election under regulation 16, other than a contributor to whom sub-regulation 9 (6) applies" and substituting the words "who made an election under regulation 16 of these Regulations as in force at any time before 1 July 1976 (other than a contributor in relation to whom sub-regulation 9 (6) of these Regulations as in force on 30 June 1976 continues to apply)";
- (e) by omitting from paragraph (b) of the definition of "the maximum age for retirement" in sub-regulation (1) the words "who has made an election under regulation 16 other than a contributor to whom sub-regulation 9 (6) applies" and substituting the words "who made an election under regulation 16 of these Regulations as in force at any time before 1 July 1976 (other than a contributor in relation to whom sub-regulation 9 (6) of these Regulations as in force on 30 June 1976 continues to apply)";
- (f) by omitting from paragraph (c) of the definition of "the maximum age for retirement" in sub-regulation (1) the words "to whom sub-regulation 9 (6) applies" and substituting the words "in relation to whom sub-regulation 9 (6) of these Regulations as in force on 30 June 1976 continues to apply"; and
- (g) by adding at the end thereof the following sub-regulation:—
  - "(6) Unless the contrary intention appears, in the application of these Regulations on and after 1 July 1976 in relation to a continuing contributor—
    - (a) a reference to the Board shall be read as a reference to the Commissioner; and
    - (b) a reference to an employee or a contributor shall be read as a reference to a continuing contributor."

4. After regulation 4 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations the following regulations are inserted:—

"4A. (1) In the application of these Regulations on and after 1 July 1976 in relation to a continuing contributor—

Meaning of retirement, resignation, &c.

- (a) a reference to his retirement shall, unless the contrary intention appears, be read as a reference to the completion by him of the term of the first contract of employment entered into by him with the Government of Papua New Guinea or, if that term would expire after 30 June 1978, as a reference to the completion by him of a period of service in pursuance of that contract ending on that date; and
- (b) a reference to his resignation shall be read as a reference to the voluntary termination by him of that contract before the expiration of the term of that contract.

"(2) Where the contract of employment that a continuing contributor has entered into with the Government of Papua New Guinea is terminated in circumstances that, if that employment were employment under Part II of the *Papua New Guinea (Staffing Assistance) Act 1973* as amended and in force on 30 June 1976, would be treated as retirement, retrenchment or dismissal, these Regulations shall, in their application, on and after 1 July 1976, to that continuing contributor, apply as if that termination was retirement, retrenchment or dismissal, as the case requires, in relation to employment under that Part.

“4B. (1) The Commissioner shall, from time to time as circumstances require, determine, as the salary of a continuing contributor for the purposes of these Regulations, an amount ascertained by adding to the basic former salary of that continuing contributor an amount, or the sum of the amounts, by which a comparable salary payable to an officer of the Australian Public Service has been increased since the relevant date, and the Commissioner shall specify in the determination the date on which the last increase in a comparable salary payable to such an officer taken into account in making the determination took effect. Salary.

“ (2) Where the Commissioner has made a determination under this regulation in relation to a continuing contributor, for the purposes of these Regulations the salary of that continuing contributor shall, during the period from and including the date specified in that determination in pursuance of sub-regulation (1) to and including the date immediately preceding the date on which—

- (a) he ceases to be a continuing contributor; or
- (b) another determination under this regulation is made in relation to him,

as the case may be, be deemed to be the amount so determined.

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

“ (4) In this regulation—

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

‘relevant date’ means—

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

5. After regulation 8 of the *Papua New Guinea (Staffing Assistance) (Superannuation) Regulations* the following regulations are inserted in Part I:—

“8A. (1) The Commissioner shall, as soon as practicable, prepare a report on the operations of the Superannuation Board during the year ended on 30 June 1973 and on the general administration and operation of Parts V, VI and IX of the Act during each relevant financial year, and furnish the report to the Minister. Reports for previous years.

“ (2) The Minister shall cause a copy of the Commissioner’s report to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

“ (3) In sub-regulation (1), ‘relevant financial year’ means the year ended on 30 June 1974, the year ended on 30 June 1975 and the year ended on 30 June 1976.

" 8B. (1) In this regulation, 'decision' has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Review of  
decisions of  
Commissioner.

" (2) A person who is affected by a decision of the Commissioner under these Regulations and is dissatisfied with the decision may, by notice in writing given to the Commissioner within a period of 30 days after the date on which the decision first comes to the notice of the person, or within such further period as the Commissioner allows, request the Commissioner to reconsider the decision.

" (3) There shall be set out in a request under sub-regulation (2) the ground on which the request is made.

" (4) Upon receipt of a request under sub-regulation (2), the Commissioner shall reconsider the decision to which the request relates, and may either confirm the decision or vary the decision in such manner as he thinks fit.

" (5) The Commissioner shall, by notice in writing sent or delivered to the person who made a request under sub-regulation (2), inform the person of the result of his reconsideration of the decision to which the request relates.

" (6) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Commissioner under these Regulations that have been confirmed or varied under sub-regulation (4). "

6. (1) Division 1 of Part II of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed and the following Division substituted:—

*" Division 1—Contributions by Continuing Contributors*

" 9. (1) A person who—

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

Contributions  
by continuing  
contributors.

may, subject to sub-regulation (4), continue, on and after 1 July 1976, to make contributions for a pension payable under these Regulations.

" (2) An election referred to in paragraph (1) (c) is irrevocable.

" (3) Contributions under this regulation shall be paid to the Commonwealth.

" (4) A continuing contributor is not entitled to make contributions under this regulation after—

- (a) the date on which the contract of employment referred to in sub-regulation (1) entered into by him with the Government of Papua New Guinea is terminated (whether the term of that contract has expired or not); or
- (b) 30 June 1978,

whichever is the earlier."

(2) Notwithstanding the repeal effected by sub-regulation (1), the provisions of regulation 9 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations as in force on 30 June 1976 shall, so far as they are applicable, continue to apply, subject to sub-regulation (3), in relation to continuing contributors.

(3) In the continued application, by virtue of sub-regulation (2), of sub-regulation 9 (6) of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations as in force on 30 June 1976, the last-mentioned sub-regulation shall be read as if the words "or resigns", "or resignation," and "or resigned" were omitted.

7. Regulation 10 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

Scale of units of pension.

- (a) by omitting sub-regulation (10); and
- (b) by omitting paragraph (a) of sub-regulation (14).

8. Regulation 16 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

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

- (a) by omitting sub-regulations (1) and (2);
- (b) by omitting from sub-regulation (3) the words "who makes an election in accordance with this regulation" and substituting the words "who made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976"; and
- (c) by omitting from sub-regulation (4) the words "who has made an election under this regulation" and substituting the words "who made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976".

9. Regulation 17 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

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

- (a) by omitting from sub-regulation (1) the words "has made an election in accordance with regulation 16" and substituting the words "made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976"; and
- (b) by omitting from paragraph (a) of sub-regulation (2) the words "has made an election under regulation 16" and substituting the words "made an election in accordance with regulation 16 of these Regulations as in force at any time before 1 July 1976".

10. Regulation 20 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed.

Contribution for reserve units of pension.

11. Regulation 21 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

Conversion of reserve units to active units.

- (a) by omitting from sub-regulation (1) all words from and including the word "transfer" and substituting the words "convert to units of pension a number of reserve units of pension not exceeding the number of those additional units of pension";
- (b) by omitting from sub-regulation (2) the words "into the Reserve Units of Pension Account"; and
- (c) by omitting from sub-regulation (2) the words "into that Account".

12. Regulation 22 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

Discontinuance of contributions.

- (a) by omitting from sub-regulation (1) the words "from the Reserve Units of Pension Account"; and
- (b) by omitting from sub-regulation (2) the words ", from the Reserve Units of Pension Account, the amount of his contributions to that Account," and substituting the words "the amount of those contributions,".

13. Divisions 6 and 7 of Part II of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations are repealed and the following Division substituted:—

*“ Division 6—Miscellaneous*

“ 23. Where a person—

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

Preservation of rights of certain former employees to contribute.

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

14. Regulation 28 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed.

No additional payment by Australia.

15. Regulation 30 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

- (a) by omitting sub-regulation (5); and
- (b) by omitting from sub-regulation (7) the figures and word “, (4) and (5) ” and substituting the word and figure “ and (4) ”.

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

16. Regulation 32 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

- (a) by omitting from sub-regulation (1) the words “ or resigns ” (wherever occurring);
- (b) by omitting from sub-regulation (1) the words “ or resignation ”; and
- (c) by omitting from sub-regulation (2) the words “ or resignation ”.

Early retirement.

17. Regulation 34 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—

- (a) by omitting from sub-regulation (1) the words “ when a contributor is retired on the ground of invalidity or ” and substituting the words “ when a contract of employment that a continuing contributor has entered into with the Government of Papua New Guinea is terminated on the ground of his invalidity or his ”;
- (b) by omitting from sub-regulation (1) the words “ his retirement ” and substituting the words “ the termination ”; and
- (c) by omitting from sub-regulation (2) the words “ to the Fund ”.

Premature termination of contract through invalidity—amount of pension.

18. Regulation 35 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended by omitting sub-regulation (4).

Pensions to widows and children in certain cases.

19. Regulation 36 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed.

Retrenchment.

20. Regulation 37 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended by omitting from sub-regulation (1) the words " from the Superannuation Fund ".
- Additional benefits for certain pensioners.
21. Regulations 38 and 39 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations are repealed and the following regulation substituted:—
- " 38. A continuing contributor who, on—
- (a) the date on which the first contract of employment entered into by him with the Government of Papua New Guinea is terminated; or
  - (b) 30 June 1978,
- whichever first occurs, is not entitled to a pension under these Regulations is entitled, in addition to any other amount to which he is entitled under these Regulations, to be refunded an amount equal to the sum of the contributions paid by him since he entered into that contract, plus interest at the rate determined by the Commissioner."
- Refund of contributions.
22. Regulation 47 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—
- (a) by omitting from sub-regulation (1) the words " under the provisions of the Papua New Guinea (Staffing Assistance) (Termination of Employment) Regulations ";
  - (b) by omitting from sub-regulation (1) the words " under the provisions of those Regulations ";
  - (c) by omitting from sub-regulation (5) the words " under the Papua New Guinea (Staffing Assistance) (Termination of Employment) Regulations ".
- Election to receive full pension on early retirement.
23. Regulation 50 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended by omitting the words " under the provisions of the Papua New Guinea (Staffing Assistance) (Termination of Employment) Regulations ".
- No contribution for additional unit of pension after early retirement.
24. Division 3 of Part III of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed.
- Repeal of Division 3 of Part III.
25. Regulation 60 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended—
- (a) by omitting from sub-regulation (1) the word " Board " (wherever occurring) and substituting the word " Commissioner ";
  - (b) by omitting from sub-regulation (1) the words " the Department of Labour " and substituting the words " such person or authority as the Commissioner considers appropriate ";
  - (c) by omitting from sub-regulation (2) the words " his salary immediately before his retirement " and substituting the words " the salary payable, on the date on which the suitable employment is offered to him, in respect of the position, or a comparable position to that, the duties of which he performed immediately before his retirement ";
  - (d) by omitting from sub-regulation (2) the words " the Department of Labour, the Board " and substituting the words " the person or authority referred to in sub-regulation (1), the Commissioner ";
  - (e) by omitting from sub-regulation (4) the word " Board " (first and second occurring) and substituting the word " Commissioner ";
- Recall to service of pensioner restored to health.

- (f) by omitting from sub-regulation (4) the words “ his salary at the time of his retirement, the Board ” and substituting the words “ the salary payable, on or at any time after the date on which he became so engaged, in respect of the position, or a comparable position to that, the duties of which he performed immediately before his retirement, the Commissioner ”; and
- (g) by omitting from sub-regulation (6) the words and figures “ *Superannuation Act 1922-1973* ” and substituting the words and figures “ *Superannuation Act 1976* ”.
26. Regulation 64 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended by omitting from sub-regulation (2) the words “ out of the Superannuation Fund ”. Payments for children.
27. Regulation 66 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended by omitting from sub-regulation (2) the words “ Public Service of Australia ” and substituting the words “ Australian Public Service ”. Instalments of pension.
28. Regulation 69 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed. Re-employment of certain pensioners.
29. Parts IV and V of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations are repealed. Repeal of Parts IV and V.
30. (1) Part IX of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed. Repeal of Part IX and saving.
- (2) Notwithstanding the repeal effected by sub-regulation (1), where, on 30 June 1976, deferred benefits within the meaning of Part IX of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations as in force on that date were applicable, subject to that Part, in respect of a person, those deferred benefits continue to be so applicable in respect of that person and that person is entitled, subject to the provision of that Part, to payment of those benefits as if those provisions were still in force.
31. Regulation 112 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended by omitting from sub-regulation (1) the words “ in connexion with the Superannuation Fund ” and substituting the words “ for the purposes of these Regulations ”. Board may require returns.
32. Regulation 113 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended by omitting from paragraph (d) of sub-regulation (1) the words “ to the Superannuation Fund ”. Board may require certain evidence.
33. Regulation 119 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is repealed. Contributions payable from next pay-day.
34. Regulations 121 and 122 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations are repealed. Repeal of regulations 121 and 122.
35. Regulation 124 of the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations is amended— Saving of existing contributions.
- (a) by omitting from sub-regulation (1) the words “ to the Fund ”;



- (b) by omitting from sub-regulation (2) the words “ to that Account ”
- (c) by omitting sub-regulation (3);
- (d) by omitting from sub-regulation (5) the words “ to the Fund ”;
- (e) by adding at the end of paragraph (b) of sub-regulation (7) the word “ and ”;
- (f) by omitting paragraph (c) of sub-regulation (7); and
- (g) by omitting from sub-regulation (7) the words “ to the Superannuation Fund or to the Provident Account, as the case may be,”.

**36.** Notwithstanding anything contained in the Papua New Guinea (Staffing Assistance) (Superannuation) Regulations, contributions payable under those Regulations on or after 9 June 1976 shall be deemed to have been payable to the Commonwealth and amounts paid on or after that date as those contributions shall be deemed to have been paid to the Commonwealth. Transitional.