

PARLIAMENTARY SUPERANNUATION.

No. 54 of 1980

AN ACT to amend the Parliamentary Superannuation Act 1970-1976.

[Assented to 19 November 1980.]

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 *Parliamentary Superannuation Amendment Act 1980*.

Short title
and
citation.

(2) In this Act the Parliamentary Superannuation Act 1970-1976 is referred to as the principal Act.

Act No. 36
of 1970 as
amended by
Acts Nos.
22 of 1971,
94 of 1975,
and 115 of
1976.

(3) The principal Act as amended by this Act may be cited as the Parliamentary Superannuation Act 1970-1980.

Commence-
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the day on which it is assented to by the Governor.

(2) Section 6 of this Act shall be deemed to have come into operation on 22 February 1980.

Section 5
amended.

3. Section 5 of the principal Act is amended by inserting after subsection (2) the following subsection—

“ (3) A member of the Legislative Assembly who ceases or ceased to be a member thereof by reason of the dissolution of that House or the expiry thereof by effluxion of time shall be deemed, for the purposes of this Act, to cease or to have ceased to be a member on the day fixed for the taking of the poll next following the dissolution or expiry. ” .

Section 11
amended.

4. Section 11 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) Subject to subsection (1a) of this section, there shall be deducted from each instalment of salary paid to a member after the coming into operation of the Parliamentary Superannuation Amendment Act 1980 an amount, by way of contributions to the Fund, equal to 11.5 per centum of the gross amount of the instalment before any deductions have been made therefrom. ”;

(b) in subsection (1a), by deleting “twenty-three” and substituting the following—

“ 20 ”;

(c) in subsection (3), by deleting “Where” and substituting the following—

“ Subject to subsection (4) of this section, where ”; and

- (d) by inserting after subsection (3) the following subsection—

“ (4) The Trustees may in a particular case extend the period of 3 months referred to in subsection (3) of this section and may do so upon such conditions, including a condition as to the payment of interest into the Fund, as the Trustees may stipulate, but an extension under this subsection shall have effect only if payment in accordance with the terms of the extension is made by the member while he continues to be a member. ” .

5. Section 13 of the principal Act is amended in subsection (1)— Section 13 amended.

- (a) by deleting “thirty-eight” and substituting the following—

“ 38.8 ”;

- (b) by deleting “one per centum” and substituting the following—

“ 1.2 per centum ”; and

- (c) by deleting “thirty-two” and substituting the following—

“ 26 ” .

6. Section 14 of the principal Act is amended in subsection (3) by inserting after “equal to” the following— Section 14 amended.

“ twice ” .

7. Section 16 of the principal Act is repealed and the following section is substituted— Section 16 substituted.

“ 16. (1) Subject to subsections (3) and (4) of this section, a person who ceases to be a member after the coming into operation of the Parliamentary Superannuation Amendment Act 1980 may elect, by notice in writing served on the Trustees within 3 months of his so Commutation of certain pensions.

ceasing to be a member, to convert to a lump sum payment, determined in accordance with subsection (2) of this section, his annual pension entitlement or a portion thereof as follows—

- (a) where he has not attained the age of 45 years and 6 months when he so ceases to be a member—100 per centum of his annual pension entitlement;
- (b) where he has attained the age of 45 years and 6 months but has not attained the age of 65 years when he so ceases to be a member—not more than the percentage of his annual pension entitlement calculated by deducting from 100 per centum 1.25 per centum for each period of 6 months by which the age of the member exceeds 45 years when he ceases to be a member;
- (c) where he has attained the age of 65 years when he so ceases to be a member—not more than 50 per centum of his annual pension entitlement.

(2) A lump sum payment under subsection (1) of this section shall be—

- (a) in the case of a person who has not attained the age of 66 years when he ceases to be a member—the amount of the annual pension entitlement of the person as ascertained under subsection (1) of this section, multiplied by 10;
- (b) in the case of a person who has attained the age of 66 years when he ceases to be a member—the amount of the annual pension entitlement of the person as ascertained under subsection (1) of this section, multiplied by a factor calculated by deducting from 10 half the number by which the age in complete years attained by the person exceeds 65 years.

(3) Where a former member ceased to be a member on the grounds of ill health and had contributed to the Fund for less than 15 years when he so ceased to be a member, he is not entitled to make an election under subsection (1) of this section if he had not attained the age of 55 years when he so ceased to be a member.

(4) Where section 17 of this Act applies to a former member, the whole or the appropriate portion as the case may be, of his annual pension entitlement for the purposes of this section shall be reduced by the amount that his annual pension entitlement is reduced pursuant to that section. " .

8. Section 17 of the principal Act is repealed and the following section is substituted—

Section 17
repealed and
substituted.

" 17. (1) Where a person who, on ceasing to be a member, converted all or portion of his annual pension entitlement to a lump sum payment under section 16 of this Act, again becomes a member on a subsequent date, the amount, if any, by which the benefits received by that person under this Part before he again became a member exceed the amount of the benefits he would have received under this Part if he had not so converted all or portion of his pension entitlement shall be calculated.

Reduction of
pension in
certain
cases.

(2) Notwithstanding anything in this Part, where a person to whom subsection (1) of this section applies again becomes entitled to a pension under section 14 of this Act, the amount of annual pension payable to him under this Act shall be reduced by 10 per centum of the amount calculated under subsection (1) of this section. " .

Section 18B
inserted.

9. After section 18A of the principal Act, the following section is inserted—

Adjustment
of certain
widows'
pensions.

“ 18B. Notwithstanding any other provision of this Act, where immediately before the coming into operation of the Parliamentary Superannuation Amendment Act 1980 the widow of a former member is receiving or is entitled to be paid an annual pension under this Act, her pension shall, with effect from and including the first pay day in January 1981, be recalculated by applying the fraction of two-thirds in place of and in the same manner as the fraction of five-eighths was applied in the former calculation made in accordance with this Act and her pension shall be increased accordingly. ” .

Section 19
amended.

10. Section 19 of the principal Act is amended—

(a) by repealing subsections (1) and (1a) and substituting the following subsections—

“ (1) Subject to this section, on the death of a former member who on ceasing to be a member became entitled to a pension under section 14 of this Act, the widow of the former member is entitled to be paid until her death an annual pension at the rate of—

(a) two-thirds of the pension that would continue to be or be payable under this Act to her husband if he had not died and his pension entitlement had not been converted, either wholly or in part, to a lump sum payment; or

(b) two-thirds of the pension that would have continued to be payable under this Act to her husband if he had not died and if he had retired on the day of

his death after contributing to the Fund for a period of 16 years as an ordinary member and his pension entitlement had not been converted, either wholly or in part, to a lump sum payment,

whichever is the greater rate.

(1a) In the case of a widow of a former member who ceased to be a member before the coming into operation of the Parliamentary Superannuation Amendment Act 1980, the pension entitlement provided for in paragraph (b) of subsection (1) of this section shall be calculated with reference to section 13 of this Act as it was prior to the coming into operation of the Parliamentary Superannuation Amendment Act 1980. ”; and

(b) in subsections (2) and (3), by deleting “five-eighths” wherever it occurs and substituting in each case the following—

“ two-thirds ” .

11. After section 19A of the principal Act, the following section is inserted—

Section 19B
inserted.

“ 19B. (1) A widow of a member who becomes entitled to be paid an annual pension pursuant to subsection (2) or (3) of section 19, may elect, by notice in writing served on the Trustees within 6 months of so becoming entitled, to convert to a lump sum payment determined in accordance with subsection (2) of this section not more than 50 per centum of her annual pension entitlement.

Commuta-
tion of
certain
widows'
pensions.

(2) A lump sum payment under subsection (1) of this section shall be—

- (a) in the case of a widow who has not attained the age of 66 years when she becomes entitled to be paid an annual pension—that amount which is the percentage of the annual pension entitlement of the widow elected by her under subsection (1) of this section, multiplied by 10;
- (b) in the case of a widow who has attained the age of 66 years when she becomes entitled to be paid an annual pension—that amount which is the percentage of the annual pension entitlement of the widow elected by her under subsection (1) of this section, multiplied by a factor determined by deducting from 10 half the number by which the age in complete years attained by the widow exceeds 65 years. ” .

Section 20
repealed and
substituted.

12. Section 20 of the principal Act is repealed and the following section is substituted—

Repayments
to Fund of
amounts
previously
paid to
contributor.

“ 20. (1) Where a payment has been made to a person under subsection (3) of section 14 of this Act, or any corresponding provision of the repealed Act, and that person again becomes a member on a subsequent date, he may—

- (a) within 3 months of his again so becoming a member, pay into the Fund a sum equal to the payment so made to him; or
- (b) after the expiration of the period referred to in paragraph (a) of this subsection, but while he continues to be a member, pay into the Fund a sum equal to the total of the payment

so made to him together with interest on the amount of that payment at the rate determined by the Trustees.

(2) Notwithstanding the provisions of subsection (2) of section 13 of this Act, where a person to whom subsection (1) of this section applies fails to pay a sum into the Fund in accordance with that subsection, the period for which that person contributed to the Fund and in respect of which a payment under subsection (3) of section 14 of this Act was made shall not be regarded, for the purposes of this Part, as a period for which that person contributed to the Fund. ” .

13. Section 24 of the principal Act is repealed and the following section is substituted—

Section 24
repealed and
substituted.

“ 24. Where the amount of the benefit paid or payable under this Act in respect of any member or former member is less than the amount paid into the Fund together with interest thereon at the rate determined by the Trustees, there shall be paid out of the Fund to such person or persons as the Trustees direct the difference between the two amounts. ” .

Minimum
benefit
payable.
