

WESTERN AUSTRALIA

**ACTS AMENDMENT
(PARLIAMENTARY
SUPERANNUATION) ACT**

No. 31 of 1989

AN ACT to amend the *Parliamentary Superannuation Act 1970*, the *Acts Amendment (Parliamentary Superannuation) and Transitional Arrangements Act 1988*, the *Parliamentary Commissioner Act 1971*, the *Salaries and Allowances Act 1975*, and the *Financial Administration and Audit Act 1985*.

[Assented to 15 December 1989]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Parliamentary Superannuation) Act 1989*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

PART 2—PARLIAMENTARY SUPERANNUATION ACT 1970

Principal Act

3. In this Part the *Parliamentary Superannuation Act 1970** is referred to as the principal Act.

[*Reprinted as approved 15 January 1981; amended by Acts Nos. 98 of 1985, 58 of 1986, 103 of 1987 and 6 of 1988.]

Section 5 amended

4. Section 5 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (b) of the definition of “basic salary”, by deleting “Tribunal”;

(ii) by inserting after the definition of “basic salary” the following definition—

“ “Board” means the Parliamentary Superannuation Board established by section 6 (1); ”;

(iii) by deleting the definition of “Fund”;

(iv) in the definition of “pay day” by deleting “mean” and substituting the following—

“ means ”;

(v) in paragraph (b) of the definition of “salary”, by deleting “Tribunal”;

(vi) by inserting after the definition of “salary” the following definition—

“ “scheme” means the scheme of superannuation and other benefits provided for by this Act; ”;

(vii) in the definition of “the repealed Act” by deleting the semi-colon and substituting a full-stop;

and

(viii) by deleting the definition of “Trustee”;

and

(b) in subsection (4) (b) by deleting “Trustees” and substituting the following—

“ Board ”.

Part II repealed and a Part substituted

5. (1) Part II of the principal Act is repealed and the following Part is substituted—

“ PART II—THE PARLIAMENTARY SUPERANNUATION BOARD

The Board

6. (1) There is established a Board, to be called the Parliamentary Superannuation Board.

(2) The Board is to administer the scheme.

(3) The Board consists of—

(a) the Treasurer, who is the chairperson;

(b) 4 other Board members, of whom 2 are to be appointed by the Legislative Council and 2 by the Legislative Assembly from members of the Council and the Assembly respectively.

(4) Appointments under subsection (3) (b) by a House are to be made—

(a) during the first sitting of each Parliament; and

(b) whenever required to fill a vacancy.

(5) The Treasurer may nominate a member of either House to act as chairperson on his behalf either generally or for a particular period or occasion and a member so nominated has, while so acting, all of the functions of the Treasurer as chairperson.

(6) A Board member—

- (a) may be removed by the House by which he was appointed;
- (b) may resign by notice in writing to the presiding officer of that House;
- (c) ceases to hold office if he ceases to be a member,

and where paragraph (b) or (c) applies and the House concerned is not sitting, the presiding officer of that House may appoint a member of that House to hold the office of Board member until the vacancy is filled.

Proceedings

7. (1) The procedure for the calling of meetings of the Board and the conduct of meetings shall, subject to this Act, be as determined by the Board.

(2) A quorum for a meeting is 3 Board members.

(3) A decision supported by a majority of the votes cast at a meeting is the decision of the Board.

(4) The chairperson has a deliberative vote and if necessary a casting vote.

Clerical support

8. The Treasurer is to make available to the Board the services of an officer of the public service to assist the Board in the performance of its functions.

Application of Financial Administration and Audit Act 1985

9. The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Board and its operations. ”.

(2) The Trustees holding office under Part II of the principal Act immediately before the commencement of subsection (1) are deemed to have been appointed under section 6 (3) (b) inserted in the principal Act by that subsection.

Heading to Part III amended

6. Part III of the principal Act is amended in the heading by deleting “TO FUND” and substituting the following—

“ OF MEMBERS ”.

Section 11 amended

7. Section 11 of the principal Act is amended by repealing subsection (2) and substituting the following subsection—

“ (2) All contributions deducted under subsection (1) shall be paid to the Consolidated Revenue Fund. ”.

Section 12 repealed

8. Section 12 of the principal Act is repealed.

Section 13 amended

9. Section 13 of the principal Act is amended—

(a) in subsection (1) in the definition of “basic pension” by deleting “Fund” in both places where it appears and substituting the following—

“ scheme ”;

and

(b) by repealing subsection (2) and substituting the following subsections—

“ (2) Subject to section 20 (2) a reference in this Part, however expressed, to a period for which a person made contributions to the scheme means—

(a) any period for which the person made contributions under section 11 (1); and

(b) any period for which the person made contributions to the Fund—

(i) under the repealed Act;

(ii) maintained under the *Members of Parliament Fund Act 1941*; or

(iii) maintained under this Act before the commencement of the *Acts Amendment (Parliamentary Superannuation) Act 1989*,

and includes, where a person has made contributions in respect of 2 or more separated periods of service as a member, every period for which he so contributed, irrespective of any pension, refund of contributions with interest or other benefit which he received upon ceasing to be a member at the termination of any of those periods of service as a member.

(3) A reference in this Part to payment of an amount to or into the scheme is, in respect of a payment made or required to be made after the commencement of the *Acts Amendment (Parliamentary Superannuation) Act 1989*, a reference to payment of that amount to the Consolidated Revenue Fund. ”.

Section 14 amended

10. Section 14 of the principal Act is amended—

(a) in subsection (1), in paragraph (b) (iv), by deleting “Trustees consider” and substituting the following—

“ Board considers ”;

and

(b) in subsection (3), by deleting “out of the Fund”.

Section 19 amended

11. Section 19 of the principal Act is amended in subsection (6)—

(a) by deleting “Trustees determine” and substituting the following—

“ Board determines ”;

and

(b) by deleting “Trustees consider” and substituting the following—

“ Board considers ”.

Section 24 amended

12. Section 24 of the principal Act is amended—

(a) by deleting “Fund” in the first place where it appears and substituting the following—

“ scheme ”;

(b) by deleting “out of the Fund”;

and

(c) by deleting “Trustees direct” and substituting the following—

“ Board directs ”.

Sections 26, 27 and 28 repealed and sections 26 and 27 substituted

13. Sections 26, 27 and 28 of the principal Act are repealed and the following sections are substituted—

Payments to be made from Consolidated Revenue Fund

“ 26. There shall be paid out of the Consolidated Revenue Fund—

(a) all pensions, benefits and refunds of contributions payable under this Act; and

(b) the costs of the administration of this Act,

and the Consolidated Revenue Fund is hereby appropriated accordingly.

Actuarial investigation

27. (1) An actuary shall—

(a) assess the actual and contingent liabilities of the Consolidated Revenue Fund under section 26 as at 30 June 1990 and as at every 3rd anniversary of that date; and

(b) report to the Treasurer within 6 months after the assessment date, or within such longer period as the Treasurer may allow.

(2) In subsection (1) “actuary” in respect of an assessment required to be made under that subsection means—

- (a) a Fellow of the Institute of Actuaries of Australia; or
- (b) a person of whose actuarial knowledge and experience the Treasurer approves,

who is appointed by the Treasurer to make that assessment. ”.

Section 30 amended

14. Section 30 of the principal Act is amended by deleting “in the Fund or to any payment, benefit or pension payable from the Fund” and substituting the following—

“ to or in a payment, benefit or pension under this Act ”.

Various sections of principal Act amended

15. (1) The provisions of the principal Act specified in the Table to this subsection are amended by deleting “Fund” in each place where it appears and substituting “scheme”.

TABLE

section 11 (1)	section 14 (5)
section 11 (1a)	section 16 (3)
section 14 (1) (a)	section 18A
section 14 (1) (b)	section 19 (1) (b)
section 14 (1a) (a) (i)	section 19 (2)
section 14 (1a) (b) (i)	section 19 (3)
section 14 (3)	section 20 (1) (a)
section 14 (3a)	section 20 (1) (b)
section 14 (4)	section 20 (2)

(2) The provisions of the principal Act specified in the Table to this subsection are amended by deleting “Trustees” in each place where it appears and substituting “Board”.

TABLE

section 14 (1) (b) (iii)	section 19 (4) (d)
section 14 (1aa)	section 19B (1)
section 14 (3)	section 20 (1) (b)
section 16 (1)	section 24

**Transitional provisions relating
to the repeal of Part II**

16. (1) In this section—

“Board” means the Parliamentary Superannuation Board established by section 6 (1) of the principal Act;

“commencement” means the commencement of this Act;

“Trustees” means the Trustees of the Parliamentary Superannuation Fund established by section 10 of the principal Act as in force before the commencement.

(2) On the commencement—

(a) all rights, property and assets that were, immediately before the commencement, vested in, under the control of, or standing to the credit of the Trustees are, by force of this subsection, vested in the State and the value of the same shall be credited to the Consolidated Revenue Fund;

(b) the State becomes, by force of this subsection, liable to pay, bear or discharge all the debts, liabilities and obligations of the Trustees that existed immediately before the commencement; and

(c) the Board shall take delivery of all books, documents, and records (however compiled, recorded or stored) relating to the operations of the Trustees.

(3) The Consolidated Revenue Fund is hereby appropriated to the extent required to give effect to subsection (2) (b).

(4) Any agreement or instrument subsisting immediately before the commencement to which the Trustees were a party, has effect after the commencement as if—

(a) the State were substituted for the Trustees as a party to the agreement or instrument; and

(b) any reference in the agreement or instrument to the Trustees were (unless the context otherwise requires) a reference to the State.

(5) Where anything has been lawfully commenced by or under the authority of the Trustees before the commencement that thing may be carried on and completed by or under the authority of the Board.

(6) The Trustees shall report as required by section 66 of the *Financial Administration and Audit Act 1985* for the period from the preceding 1 July to the commencement and for that purpose—

(a) the Trustees shall continue in office; and

(b) Division 14 of Part II of that Act shall apply as if that period were a full financial year.

(7) For the purpose of Division 14 of Part II of the *Financial Administration and Audit Act 1985*, the period from the commencement to the succeeding 30 June is deemed to be a full financial year of the Board.

(8) References to the Trustees in an enactment as in force immediately before the commencement shall, unless because of the context it would be inappropriate so to do, be read and construed as references to the State.

(9) The Treasurer is authorized to act on behalf of the State in the performance of any function that is necessary or expedient to be performed to give effect to the purposes of this section.

**PART 3—ACTS AMENDMENT (PARLIAMENTARY SUPERANNUATION)
AND TRANSITIONAL ARRANGEMENTS ACT 1988**

***Acts Amendment (Parliamentary Superannuation) and
Transitional Arrangements Act 1988* amended**

17. The *Acts Amendment (Parliamentary Superannuation) and Transitional Arrangements Act 1988** is amended—

(a) in section 7—

(i) in the definition of “actual contributory period” by deleting “the principal Act, made contributions to the Fund” and substituting the following—

“ section 13 (2) of the principal Act, made contributions to the scheme ”;

(ii) by deleting the definition of “contributions to the Fund” and substituting the following—

“ “contributions to the scheme” means contributions made to the scheme during any period mentioned in section 13 (2) of the principal Act; ”;

and

(iii) by inserting after the definition of “enhanced contributory period” the following definition—

“ “scheme” has the meaning assigned to it by section 5 of the principal Act; ”;

(b) in section 8, in paragraph (a), by deleting “Fund” and substituting the following—

“ scheme ”;

and

(c) in section 9 (1) and (2), by deleting “Fund” in each place where it appears and substituting the following—

“ scheme ”.

[*Act No. 6 of 1988.]

PART 4—*PARLIAMENTARY COMMISSIONER ACT 1971*

Amendment of *Parliamentary Commissioner Act 1971*

18. The Schedule to the *Parliamentary Commissioner Act 1971** is amended in the item relating to the Trustees of the Parliamentary Superannuation Fund by deleting “The Trustees of the Parliamentary Superannuation Fund under” and substituting the following—

“ Parliamentary Superannuation Board ”.

[*Reprinted as at 31 March 1989 and amended by Act No. 75 of 1988.]

PART 5—*SALARIES AND ALLOWANCES ACT 1975*

Amendment of *Salaries and Allowances Act 1975*

19. The *Salaries and Allowances Act 1975** is amended in section 6A (1) (a) by deleting “Fund” and substituting the following—

“ scheme under that Act ”.

[*Reprinted as at 16 November 1988.]

