

WESTERN AUSTRALIA

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**ACTS AMENDMENT  
(PARLIAMENTARY SUPER-  
ANNUATION) AND  
TRANSITIONAL  
ARRANGEMENTS ACT**

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**No. 6 of 1988**

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**AN ACT to amend the *Salaries and Allowances Act 1975* and the *Parliamentary Superannuation Act 1970* and to make provision as to the entitlements under the *Parliamentary Superannuation Act 1970* of certain members of the Legislative Council whose seats are prematurely vacated by reason of the *Acts Amendment (Electoral Reform) Act 1987*.**

[Assented to 30 June 1988]

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) and Transitional Arrangements Act 1988*.

## **Commencement**

2. (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 5 and 6 (b) and Part 4 shall come into operation on 22 May 1989.

## **PART 2—SALARIES AND ALLOWANCES ACT 1975**

### **Section 6A amended**

3. Section 6A of the *Salaries and Allowances Act 1975*\* is amended by inserting after subsection (1) the following subsection—

“ (1a) In determining a figure under subsection (1)(e) the Tribunal may determine a figure that only applies to a class of persons specified in the determination and may determine different figures to apply to different classes of persons. ”.

[\*Act No. 27 of 1975 as amended by Acts Nos. 89 of 1975, 63 of 1978, 33 of 1979, 34 of 1980, 78 of 1984, 34 and 58 of 1986 and 13, 40 and 103 of 1987.]

## **PART 3—PARLIAMENTARY SUPERANNUATION ACT 1970**

### **Principal Act**

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

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

### **Section 14 amended**

5. Section 14 of the principal Act is amended in subsection (1) (b) (ia) by deleting “4” and substituting the following—

“ 3 ”.

**Section 16 amended**

6. Section 16 of the principal Act is amended—

(a) in subsection (2)—

(i) in paragraph (a) by deleting “as is specified in” and substituting the following—

“ as is applicable to the person under ”; and

(ii) in paragraph (b) by deleting “as is specified in” and substituting the following—

“ as is applicable to the person under ”;

and

(b) in subsection (3) (b) by deleting “4” and substituting the following—

“ 3 ”.

#### PART 4—TRANSITIONAL ARRANGEMENTS

**Interpretation**

7. In this Part—

“actual contributory period”, in relation to a person, means the period for which the person has, within the meaning of the principal Act, made contributions to the Fund;

“contributions to the Fund” means contributions made under the principal Act to the Parliamentary Superannuation Fund maintained under that Act;

“Electoral Reform Act” means the *Acts Amendment (Electoral Reform) Act 1987*;

“member” means a member of the Legislative Council;

“enhanced contributory period” in relation to a person, means the sum of—

(a) the actual contributory period; and

(b) the period from the end of the actual contributory period to the close of 21 May 1992;

“the principal Act” means the *Parliamentary Superannuation Act 1970*;

“transitioned person” means a person who—

- (a) by reason of the Electoral Reform Act, vacates his seat by effluxion of time at the close of 21 May 1989 and thereupon ceases, for the purposes of the principal Act, to be a member;
- (b) was elected to fill the seat referred to in paragraph (a) at an election conducted before the Electoral Reform Act received the Royal Assent; and
- (c) would not have vacated his seat by effluxion of time until the close of 21 May 1992 if the Electoral Reform Act had not been enacted.

### **Benefits for transitioned persons**

8. A transitioned person is, upon ceasing to be a member, deemed for the purposes of the principal Act—

- (a) to have contributed to the Fund for a period equal to the enhanced contributory period; and
- (b) to have ceased to be a member upon his being defeated at an election.

### **Transitioned persons having no pension entitlement**

9. (1) For the purpose of applying section 14 (3) of the principal Act, a transitioned person is, in addition to the contributions to the Fund made by him, deemed to have made contributions to the Fund equal to the amount prescribed in subsection (2) of this section and those additional contributions are deemed for the purposes of the calculation of interest under section 14 (3) of the principal Act to have been made immediately before he ceased to be a member.

(2) The amount of the additional contributions that a transitioned person is deemed by subsection (1) to have made to the Fund is the total amount that would have been deducted from his salary, by way of contributions to the Fund, for the period from the end of the actual contributory period to the close of 21 May 1992 if—

- (a) he had continued to be a member until the close of 21 May 1992;

- (b) his salary during that period had been paid at the rate of the basic salary applicable immediately before the close of 21 May 1989; and
- (c) the basis for calculating deductions during that period had been that which was applicable under section 11 of the principal Act immediately before the close of 21 May 1989.

**Transitioned persons who held higher office**

**10.** Where by reason of section 14 (3a) of the principal Act a transitioned person is entitled to a pension at the rate of a higher amount than the basic pension, that higher amount shall be calculated by—

- (a) first, calculating the rate of pension that would be payable under that provision having regard only to the actual contributory period; and
- (b) then adding to the amount calculated under paragraph (a) an amount equal to the further percentage, if any, of the basic salary that would have been included in determining his basic pension if regard had been had to the period from the end of the actual contributory period to the close of 21 May 1992,

and, the operation of section 14 (3a) of the principal Act is modified accordingly.

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