

MEMBERS OF PARLIAMENT FUND.

5° and 6° GEO. VI., No. LIV.

No. 54 of 1941.

AN ACT relating to the creation of a Fund to provide for the payment of compensation to and to the dependants of members of either House of Parliament of Western Australia upon loss of membership.

[Assented to 15th January, 1942.]

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

Short title.

1. This Act may be cited as the *Members of Parliament Fund Act*, 1941.

Commencement.

2. (1) This Act shall commence on a date to be fixed by proclamation.

(2) The date so fixed, is in this Act, referred to as “the commencement of this Act.”

3. In this Act subject to the context—

Interpre-
tation.

“Dependants” means the person or persons nominated in the prescribed form by a deceased member, or where there is no such person nominated, the widow or widower of a deceased member or where there is neither a nominee nor a widow or widower the lawful children of the deceased member.

“Loss of membership” means the loss by a member of his seat in Parliament for any reason whatsoever, but a member shall not be deemed to have lost his seat merely by the Legislative Assembly being dissolved.

“Member” means a member of either the Legislative Council or the Legislative Assembly of the Parliament of Western Australia and includes Ministers of the Crown.

“Parliamentary Allowances Act” means the Parliamentary Allowances Act, 1911, as amended.

“Public Trustee” means the Public Trustee appointed under the Public Trustee Act, 1941.

4. (1) For the purpose of enabling compensation to be paid to or to the dependants of persons who have suffered loss of membership of either House of Parliament, a Fund shall be established, to be known as the Members of Parliament Fund (hereafter in this Act referred to as “the Fund”), which shall be administered by the Trustees thereof.

The Members
of Parliament
Fund.

(2) The Fund shall be kept at the Treasury and administered by the Trustees.

(3) Subject to the provisions of the Schedule to this Act the Trustees shall cause to be made out of the Fund the payments prescribed in the Schedule to the person or persons entitled thereto.

5. (1) The Trustees of the fund shall be the persons who from time to time hold the offices of President of the Legislative Council, Speaker of the Legislative Assembly, and Public Trustee. The Public Trustee shall be chairman of Trustees.

Trustees of
the Fund.

(2) The procedure of the Trustees shall, subject to the provisions of this Act and any regulations made thereunder, be such as the Trustees may determine.

A quorum for any meeting of the Trustees shall be two.

Deductions
to be made
from allow-
ance.

6. Notwithstanding the provisions of the Parliamentary Allowances Act, or any other Act to the contrary, there shall be deducted from each payment of the allowance of a member a sum calculated at the rate of twenty-four pounds (£24) per annum and the sum so deducted shall, without any authority other than the provisions of this Act, be paid into the Fund.

Investment
of moneys
paid into the
Fund.

7. (1) The Trustees may invest moneys paid into the Fund through the Public Trust Office under and in accordance with the provisions of the Public Trustee Act, 1941, or in any of the investments in which trustees are authorised to invest trust funds under the Trustee Act, 1900, or any other Act.

(2) The Trustees may from time to time realise, convert, or otherwise deal with the securities.

(3) Income derived from the investment of the Fund shall form part thereof. Such income shall not be subject to taxation by the State.

Accounts to be
prepared and
certified by
Auditor
General.

8. Accounts of the Trustees shall be prepared annually, in such form and in such manner as the Auditor General may direct, and the Auditor General shall examine and certify every such account, and lay a copy thereof, together with his report thereon, before both Houses of Parliament.

Quinquennial
investigation
by Actuary.

9. (1) An investigation as to the state and sufficiency of the Fund shall be made at the expiration of each five years after the commencement of this Act.

(2) The investigation shall be made by the State Government Actuary, without cost to the Fund.

(3) The State Government Actuary shall report to the Trustees the result of his investigation, and may make recommendations for the consideration of the Trustees. Any decision of the Trustees consequent upon a recommendation made by the State Government Actuary shall be submitted to a joint meeting of members of both Houses. At any such meeting twenty-eight members shall constitute a quorum. The meeting shall have power to adopt, alter, or amend any decision of the Trustees made under this section, and any resolution passed at any such meeting shall be given the force and effect of law by regulation made by the Governor on the recommendation of the Trustees.

10. The Governor may on the recommendation of the Regulations.
Trustees make regulations prescribing all matters required or permitted to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and without in any way limiting the generality of the power hereby conferred in particular for giving effect to any resolution passed by a joint meeting of both Houses under the provisions of subsection (3) of section nine of this Act. Any regulation made with the object of giving effect to any resolution hereinbefore referred to shall be of the same validity and effect as if prescribed by this Act.

SCHEDULE.

1. Subject to the provisions of clause 2 of this Schedule—

(a) Upon loss of membership by any person who has been a member for a period of at least seven years after the commencement of this Act and from whose allowance deductions have been duly made in accordance with this Act, there shall be payable out of the Fund the sum of six hundred pounds (£600).

(b) Upon loss of membership by any person who has not been a member for at least seven years after the commencement of this Act, the amount payable under the provisions of this Schedule shall be double the total amount deducted from the allowance of the member concerned under the provisions of the Act.

2. Any person who at the date of the proclamation of this Act is a member and has been a member immediately prior to that date aforesaid may, within one month of the said date, voluntarily pay into the Fund a lump sum which, in accordance with the provisions of this Act, is proportionate to any selected period of such person's prior membership. Thereafter deductions shall be made from such member's allowance in accordance with section six of this Act, and upon loss of membership any such member shall be entitled to benefit in accordance with the provisions of this Schedule as if the selected period of membership had been served after the date of the said proclamation in addition to any period of membership actually served after that date.

3. If loss of membership is due to the death of a member, the amount payable under the provisions of this Schedule shall be paid to the person or persons nominated by the deceased member in the prescribed form. In the event of there being no nomination, the amount payable shall be paid to the widow of the deceased member or, if there is no widow surviving, the said payment shall be made to the lawful children of the deceased in equal shares. If the deceased member does not execute a nomination form and leaves no dependant or dependants surviving, the payment otherwise due shall accrue for the benefit of the Fund.