

PARLIAMENTARY SUPERANNUATION ACT 1970-1980.

ARRANGEMENT.

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SCHEDULE.

Approved for Reprint 15 January 1981.

WESTERN AUSTRALIA.

PARLIAMENTARY SUPERANNUATION.

No. 36 of 1970.

[As amended by Acts

No. 22 of 1971,¹ assented to 1st December, 1971;
No. 94 of 1975,² assented to 20th November, 1975;
No. 115 of 1976,³ assented to 1st December, 1976;
No. 54 of 1980,⁴ assented to 19th November, 1980,

and reprinted pursuant to the Amendments Incorporation Act 1938.]

AN ACT to provide for the payment of Superannuation Pensions and other Benefits to persons who have served as Members of Parliament and to their Dependants, and for the making of contributions by Members of Parliament in respect of those Pensions and Benefits; to repeal the Parliamentary Superannuation Act 1948-1968; and for incidental and other purposes.

[Assented to 27th May, 1970.]

¹ Deemed to have operated from 30/12/70. See s. 2 of Act No. 22 of 1971.

² Sections 4 and 5 came into operation on 1 January, 1976. The balance came into operation on assent.

³ Came into operation on 1 January, 1977. See s. 2 of Act No. 115 of 1976.

⁴ Section 6 deemed to operate from 22 February, 1980, see s. 2 (2) of Act No. 54 of 1980. The balance to come into operation on assent.

BE it enacted—

PART I.—PRELIMINARY.

Short title.
Amended by
No. 54 of
1980, s. 1.

1. 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 date on which it receives the Royal Assent.

(2) Part IV of this Act shall be deemed to have come into operation on the first day of January, 1970.

Arrange-
ment.

3. This Act is divided into Parts, as follows—

PART I.—PRELIMINARY, ss. 1-5.

PART II.—THE PARLIAMENTARY SUPERANNUATION FUND, ss. 6-10.

PART III.—CONTRIBUTIONS TO FUND, ss. 11-12.

PART IV.—PENSIONS AND OTHER BENEFITS, ss. 13-24.

PART V.—MISCELLANEOUS, ss. 25-31.

SCHEDULE.

Repeal.

4. The Acts set out in the Schedule to this Act are repealed.

Interpreta-
tion.
Amended by
No. 94 of
1975, s. 3;
No. 54 of
1980, s. 3.

5. (1) In this Act, unless the contrary intention appears—

“basic salary”—

(a) in relation to any period when the remuneration of members was fixed under the Parliamentary Salaries and Allowances Act 1967—has the same meaning as in section 4 of that Act; and

(b) in relation to any period when the remuneration of members is fixed under the Salaries and Allowances Tribunal Act 1975—means the remuneration from time to time specified in any determination made under that Act as the basic salary of Members of Parliament generally;

“election” means any election for the Legislative Council or the Legislative Assembly of Western Australia;

“Fund” means the Parliamentary Superannuation Fund established under the repealed Act and maintained under Part II of this Act;

“Index” means the table described as the Consumer Price Index Numbers—All Groups, Perth that is published by the Statistician under the authority of the Census and Statistics Act 1905 (as amended or re-enacted from time to time) of the Commonwealth;

“member” means a member of the Legislative Council or the Legislative Assembly of Western Australia;

“pay day” mean a day on which a fortnightly instalment of pension is payable under this Act;

“salary”, in relation to a member—

(a) in relation to any period when the remuneration of members was fixed under the Parliamentary Salaries and Allowances Act 1967—means the basic salary of the member together with any salary paid to him of the kind specified in the Third or Fourth Schedule to that Act; and

(b) in relation to any period when the remuneration of members is fixed under the Salaries and Allowances

Tribunal Act 1975—means the basic salary of the member together with any additional remuneration paid to him pursuant to a determination made under that Act which is designated in the determination to be salary payable to him as a Minister of the Crown, as an Officer of Parliament or as the Parliamentary Secretary of the Cabinet;

“the repealed Act” means the Parliamentary Superannuation Act 1948-1968;

“Trustee” means a trustee of the Fund.

(2) For the purposes of this Act a member shall be deemed not to have ceased to be a member by reason only of his retirement by effluxion of time from the Legislative Council or, as the case may be, the expiration by effluxion of time or dissolution of the Legislative Assembly.

(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.

PART II.—THE PARLIAMENTARY SUPERANNUATION FUND.

Parliamentary Superannuation Fund.

6. (1) The Parliamentary Superannuation Fund maintained under the repealed Act shall continue to be maintained under that name for the purposes of this Act.

(2) There shall be paid into the Fund—

- (a) contributions paid by members pursuant to section 11 of this Act;
- (b) all moneys paid into the Fund by the Treasurer pursuant to this Act;

- (c) all interest and other income earned by the investment of the Fund or any part thereof; and
- (d) moneys borrowed by the Trustees pursuant to this Act.

(3) The Fund shall be vested in and managed by the Trustees.

7. The Trustees may invest the Fund or any part thereof in any manner in which trustees are authorized to invest trust funds under the Trustees Act 1962.

Investment of Fund.

8. (1) The Trustees shall keep complete and proper accounts of all their financial transactions.

Accounts.

(2) In each year the accounts of the Trustees shall be audited by the Auditor General without cost to the Trustees, and copies of the accounts shall be laid before both Houses of Parliament.

9. The income of the Fund shall not be subject to any tax imposed by any law of the State.

Income of Fund not subject to tax.

10. (1) There shall be a body to be called The Trustees of the Parliamentary Superannuation Fund, comprising the Treasurer *ex officio* or his Deputy (who shall be Chairman) and two members each from the Legislative Council and the Legislative Assembly, who shall be appointed by and may be removed by the order of the respective Houses, but who shall cease to be Trustees upon ceasing to be members.

Trustees of the Fund.

(2) Unless otherwise ordered by the respective Houses, the Trustees, other than the Chairman, shall be appointed at the first sitting of each Parliament, but if at any time a vacancy occurs in any office of Trustee the Speaker of the Legislative

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Assembly or the President of the Legislative Council, as the case requires, may appoint a Trustee to hold office until the vacancy is filled by order of the House concerned.

(3) The Trustees holding office immediately prior to the coming into operation of this section shall, subject to this Act, continue to hold office as Trustees as if they had been appointed under this Act.

(4) The Trustees shall be a body corporate with perpetual succession and a common seal, and may in the corporate name, sue and be sued and shall have power to hold property of all kinds for the purposes of this Act.

(5) The Trustees may borrow on the security of property held by them as Trustees or on the guarantee of the Treasurer.

(6) Meetings of the Trustees shall be conducted in accordance with such procedure as the Trustees determine, and the decision of any three Trustees shall be binding.

(7) A quorum for any meeting of the Trustees shall be three.

(8) At any meeting of the Trustees the Chairman shall have both a deliberative and a casting vote.

(9) The Treasurer shall make available to the Trustees, without cost to them, the services of an officer of the Public Service of the State to assist the Trustees in the administration of this Act.

PART III.—CONTRIBUTIONS TO FUND.

11. (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 by members.
Amended by No. 94 of 1975, s. 4; No. 54 of 1980, s. 4.

contributions to the Fund, equal to 11.5 per centum of the gross amount of the instalment before any deductions have been made therefrom.

(1a) Where a member has contributed to the Fund for 20 years, the amount to be deducted from each instalment of salary pursuant to subsection (1) of this section shall be reduced by one-half.

(2) There shall be deducted, in the manner determined by the Treasurer, from instalments of salary payable to each member, the amount which represents the difference between—

- (a) the total of the instalments which would have been deducted from the salary of the member under this section during the period commencing on the first day of January, 1970 and ending on the date on which this Act receives the Royal Assent, if this section had been in force during that period; and
- (b) the total of the contributions actually made under subsection (1) of section 10 of the repealed Act by the member, with respect to the period referred to in paragraph (a) of this subsection.

(3) Subject to subsection (4) of this section, where a person becomes a member on or after the coming into operation of this section, he may within three months after the date of his so becoming a member pay into the Fund an amount equivalent to the amount of contribution he would have to pay in respect of a period specified by him if he were a member during that period, but the provisions of this subsection apply only if the period specified by him does not exceed the period between the first day of January of the year in which he was elected a member and the date of his so becoming a member.

(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.

Contributions by State.

12. (1) The Treasurer shall pay into the Fund—

- (a) not later than fourteen days after the end of each month, a sum equal to twice the amount of the contributions paid to the Fund during that month pursuant to section 11 of this Act; and
- (b) from time to time and in such instalments as he determines, such amounts as the Government Actuary certifies to be necessary in order to make proper provision for the payment out of the Fund of the pensions, benefits and refunds of contributions payable under this Act.

(2) All payments to be made under this section by the Treasurer shall be paid from the Consolidated Revenue Fund which is hereby appropriated accordingly.

PART IV.—PENSIONS AND OTHER BENEFITS.¹

Interpretation.
Amended by No. 94 of 1975, s. 5; No. 54 of 1980, s. 5.

13. (1) In this Part, unless the contrary intention appears—

“basic pension” in relation to a member who has contributed to the Fund for not less than seven years, means the amount calculated at the rate 38.8 per centum of the basic salary payable to the member immediately

¹ Subsection (3) of section 2 of Act No. 94 of 1975 reads as follows:—
(3) The increases in pensions to members and former members effected by this Act and the provisions of this Act relating to the eligibility of widows and children of members and former members to pensions under this Act apply to and in relation to widows and children of members and former members and to the rates of pension payable thereto whether the circumstances or events which gave rise to the eligibility occurred before, on, or after the date on which the relevant provisions of this Act came into operation.

before he ceased to be a member, together with a further 1.2 per centum of that basic salary for each completed period of six months, up to a maximum of 26 such periods, in excess of that seven years for which the member has duly contributed to the Fund.

(2) Subject to subsection (2) of section 20 of this Act, a reference in this Part, however expressed, to a period for which a person made contributions to the Fund includes—

- (a) any period for which the person made contributions to the Fund under the repealed Act;
- (b) any period for which the person made contributions to the Fund maintained under the Members of Parliament Fund Act 1941-1944,

and where the person has made contributions to the Fund in respect of two or more separated periods of service as a member, includes 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) Where for the purposes of this Act it is necessary to ascertain the basic salary or the salary paid to a member or former member at a time prior to the coming into operation of the Parliamentary Salaries and Allowances Act 1967, the basic salary or the salary, as the case may be, paid to the member at that time shall, for the purposes of this Act, be deemed to be that determined by the Treasurer.

14. (1) Subject to this Act, every person who ceases to be a member and—

- (a) has contributed to the Fund for not less than fifteen years; or

Members' superannuation benefits, etc.

Amended by No. 94 of 1975, s. 6; No. 54 of 1980, s. 6.

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- (b) has contributed to the Fund for not less than seven years but less than fifteen years and—
- (i) has attained the age of fifty-five years when he so ceases to be a member;
 - (ii) so ceases to be a member upon his being defeated at an election;
 - (iii) so ceases to be a member on the ground of ill health and satisfies the Trustees that his ceasing to be a member on that ground is warranted; or
 - (iv) so ceases to be a member upon his resigning or declining to seek re-election for reasons which, in either case, the Trustees consider good and sufficient,

is entitled, on ceasing to be a member, to be paid an annual pension at the rate ascertained in accordance with subsection (4) of this section.

(1a) For the purposes of this Act, where—

- (a) a Member of the Legislative Council resigns in order to seek election to the Legislative Assembly—
 - (i) he shall, whether or not he is elected to the Legislative Assembly, be deemed to have continued to be a Member of the Legislative Council during the period between the day on which his resignation took effect and the day on which the election for the Legislative Assembly took place if, within three months of that lastmentioned day he pays to the Fund a sum equal to the contributions which he would have been required to make had he continued to be a Member of the Legislative Council during that period, and if he

is defeated at the election for the Legislative Assembly he shall be entitled to the same pension, if any, to which he would have been entitled if he had ceased to be a member of the Legislative Council on the day on which the election for the Legislative Assembly was conducted by reason of his being defeated at an election conducted on that day; and

- (ii) if he dies prior to the day on which the election for the Legislative Assembly takes place, he shall be deemed to have continued to be a Member of the Legislative Council until his death, but for the purposes of calculating the rate at which pension, if any, is payable as from the date of his death to his widow, he shall be deemed to have died on the day on which his resignation took effect; and
- (b) a Member of the Legislative Assembly does not seek re-election for that House in order to seek election for the Legislative Council—
- (i) he shall, subject to subparagraph (ii) of this paragraph, if he is elected to the Legislative Council, be deemed to have continued to be a member of the Legislative Assembly during the period commencing on the day on which he ceased to be a Member of the Legislative Assembly and the day on which he becomes a member of the Legislative Council if, within three months of that lastmentioned day, he pays to the Fund a sum equal to the contributions which he would have been required to make if he had continued to be a Member of the Legislative Assembly during that period;

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- (ii) he shall, if he is elected at the election for the Legislative Council but dies before he becomes a member of the Legislative Council, be deemed to have continued to be a Member of the Legislative Assembly until his death, but for the purposes of calculating the rate at which pension, if any, is payable as from the date of his death to his widow, he shall be deemed to have died on the day on which he ceased to be a Member of the Legislative Assembly;
- (iii) he shall, if he is defeated at the election for the Legislative Council, be entitled to the same pension, if any, to which he would have been entitled if he had been defeated at an election for the Legislative Assembly conducted on the same day as that on which the election for the Legislative Council took place, irrespective of whether such an election for the Legislative Assembly was actually conducted on that day;
- (iv) he shall, if he dies before the election for the Legislative Council takes place, be deemed to have continued to be a Member of the Legislative Assembly until his death, but for the purposes of calculating the rate at which pension, if any, is payable as from the date of his death to his widow, he shall be deemed to have died on the day on which he ceased to be a Member of the Legislative Assembly.

(2) Subject to this Act, every person who has been a member and is immediately prior to the coming into operation of this Part in receipt of pension payable under the repealed Act, is entitled to be paid an annual pension at the rate ascertained in accordance with subsection (5) of this section.

(3) Where a person who ceases to be a member is not, under the provisions of subsection (1) of this section, entitled to be paid a pension out of the Fund, he shall be paid an amount equal to twice the sum of the contributions made by him to the Fund under this Act or the repealed Act together with interest thereon at the rate determined by the Trustees, less any amount previously refunded to him under this subsection or any corresponding provision of the repealed Act.

(4) For the purposes of subsection (1) of this section, the rate per annum of pension payable to a person entitled to pension under that subsection is the rate ascertained in accordance with the

formula $\frac{A \times B}{C}$, where—

A is the basic pension of the person;

B is the total salary paid to that person while he was making contributions to the Fund; and

C is the total basic salary paid to that person while he was making contributions to the Fund.

(5) For the purposes of subsection (2) of this section, the rate per annum of pension payable to a person entitled to pension under that subsection is the rate ascertained in accordance with the formula

$A \times \frac{(B-D)}{C}$, where—

A is the basic pension of the person;

B is the total salary paid to that person while he was making contributions to the Fund;

C is the total basic salary paid to that person while he was making contributions to the Fund; and

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D is one-third of the difference between B and C.

(6) Nothing in this section entitles a member to be paid pension in respect of any portion of his annual pension entitlement which has been converted to a lump sum payment under subsection (2) of section 16 of this Act.

Supplement-
ation of
pensions.
Amended by
No. 94 of
1975, s. 7.

15. (1) Where the basic salary that was paid to a person immediately before he ceased to be a member is less than the basic salary for the time being payable to members generally, the rate per annum of pension payable to that person shall be increased to the rate ascertained in accordance with the

formula $E \times \frac{(F-H)}{G}$, where—

E is the rate of annual pension payable to the person under section 14 of this Act reduced to the extent, if any, provided in section 17 of this Act;

F is the basic salary for the time being payable to members generally;

G is the basic salary that was paid to the person immediately before he ceased to be a member; and

H is one-third of the difference between F and G.

(2) The provisions of this section shall not apply to or in relation to the payment of any pension after the thirty-first day of December, 1975.

Increases in
certain
pensions
after 1975.
Added by
No. 94 of
1975, s. 8.

15A. (1) The provisions of this section apply to the payment of pensions to former members in receipt of pension under this Act on the first day of January, 1976.

(2) Notwithstanding anything to the contrary in section 14 of this Act, the pension payable to a person to whom this section applies—

- (a) shall in respect of any pay day in the year 1976 be paid at the rate at which pension would have been payable to him on the last pay day in the year 1975 if the amendments effected to the interpretation “basic pension” in section 13 by section 5 of the Parliamentary Superannuation Act Amendment Act 1975 had been in operation on and from the first day of January, 1970, increased by such percentage as is determined by the Treasurer to be the percentage by which the Index for the quarter ending on the thirty-first day of December, 1975 exceeded the Index for the quarter ending on the thirtieth day of June, 1975; and
- (b) shall thereafter be increased in the same manner as is specified in subsections (2) and (5) of section 15B of this Act.

15B. (1) The provisions of this section apply to the payment of pensions to former members who were not in receipt of pension on the first day of January, 1976.

Increases in pensions which first become payable after 1/1/1976. Added by No. 94 of 1975, s. 9.

(2) Subject to this section, every pension payable to a person to whom this section applies shall be increased in each year with effect on and from the first pay day in that year by such percentage as is determined by the Treasurer to be the percentage by which the Index for the quarter ending on the immediately preceding thirty-first day of December is greater than the Index for the quarter ending on the penultimate preceding thirty-first day of December.

(3) The following provisions apply to and in relation to the first increase of a pension pursuant to this section if, on the first day of January in the year in which the increase is to be made, or would,

but for paragraph (a) of this subsection be made, the pension has been in force for less than twelve months, namely—

- (a) in the case of a pension which first becomes payable after the first day of October in any year, the first increase of that pension shall be made so as to operate from the first pay day in the second year after the year in which the pension first became payable; and
- (b) in the case of a pension which first becomes payable on or before the first day of October in any year, the first increase in that pension shall be made so as to operate from the first pay day in the year next after the year in which the pension first becomes payable, and the annual amount by which the pension is to be increased shall be calculated in accordance with the prescribed formula.

(4) For the purposes of paragraph (b) of subsection (3) of this section, the prescribed formula is the formula—

$$P = A \times \frac{Q}{4}$$

where—

- P represents the annual amount referred to in that paragraph;
- A represents the amount by which, but for the operation of that subsection, the pension would have been increased; and
- Q represents the number of whole quarters (ending on the thirtieth day of June, the thirtieth day of September and the thirty-first day of December) within the period commencing on the day on which the pension became

payable and ending on the following thirty-first day of December, for which the pension was payable.

(5) Where, for the purposes of determining the increase to be made in pensions for any year, the Treasurer determines that the Index for a quarter ending on the immediately preceding thirty-first day of December is less than the Index for the quarter ending on the penultimate preceding thirty-first day of December, no increase shall be made in pensions for that year, and the percentage by which the firstmentioned Index is less than the secondmentioned Index shall first be taken into account before any subsequent adjustments of pensions are made pursuant to this section.

(6) The provisions of this section and of section 15A of this Act apply with such modifications as are necessary to pensions payable to the widows of members or former members.

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 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—

Commuta-
tion of
certain
pensions.
Substituted
by No. 54 of
1980, s. 7.

- (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.

Reduction of
pension in
certain
cases.
Substituted
by No. 54 of
1980, s. 8.

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.

(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.

18. (1) Where the widow of a former member was in receipt of a widow's pension payable under the repealed Act immediately prior to the coming into operation of this Part, she is entitled until her death to be paid an annual pension at the rate determined in accordance with subsection (2) or (3) of this section, as the case requires.

Pensions
payable to
certain
widows.
Amended by
No. 94 of
1975, s. 10.

(2) For the purposes of subsection (1) of this section, the rate of annual pension payable to a widow is five-eighths of the rate of annual pension to which her husband would, but for his death, have been entitled from time to time under the provisions of this Act.

(3) Where with respect to any period, the rate of annual pension payable to a widow pursuant to subsection (2) of this section is less than the rate of annual pension to which she would have been entitled under the repealed Act, she shall, during that period, be paid pension at that lastmentioned rate.

(4) The provisions of section 19 of this Act relating to the circumstances in which the pension payable to a widow terminates upon re-marriage, may be restored after re-marriage, and may be paid during re-marriage apply to the payment of pensions to widows referred to in this section.

Special adjustment of certain widows' pensions. Added by No. 115 of 1976, s. 3.

18A. Notwithstanding any other provision of this Act, where the rate at which the pension that would, but for this section, be payable to the widow of a member or former member on the first pension pay day in the month of January, 1977, is less than the rate of pension that would have been payable if her husband had died on the day immediately preceding that pension pay day after contributing to the Fund for a period of sixteen years as an ordinary member, her pension shall, on and from that pension pay day, be increased to the secondmentioned rate.

Adjustment of certain widows' pensions. Added by No. 54 of 1980, s. 9.

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.

Payment of pensions to widows generally. Amended by No. 94 of 1975, s. 11; No. 115 of 1976, s. 4; No. 54 of 1980, s. 10.

19. (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.

(2) Subject to this section, on the death of a member who has contributed to the Fund for not less than sixteen years, the widow of the member is entitled to be paid, until her death, an annual pension at the rate of two-thirds of the pension that would from time to time be payable under this Act to her husband if he had not died but had ceased to be member on the date of his death and thereby become entitled to a pension under section 14 of this Act.

(3) Subject to this section, on the death of a member who has contributed to the Fund for less than sixteen years, the widow of the member is entitled to be paid until her death an annual pension at the rate of—

- (a) two-thirds of the pension that would from time to time be payable under this Act to her husband if he had not died but had retired on the same day as that on which he died and thereby become entitled to a pension under section 14 of this Act; or
- (b) two-thirds of the pension that would from time to time be payable under this Act to her husband if he had not died but had retired on the same day as that on which he died after contributing to the Fund for

Parliamentary Superannuation.

a period of sixteen years as an ordinary member,

whichever is the greater rate.

(4) The pension payable under this section to—

- (a) a widow referred to in subsection (1) or subsection (1a) of this section if her marriage to the former member took place before the former member finally ceased to be a member; or
- (b) a widow referred to in subsection (2) or subsection (3) of this section,

shall cease to be payable if she re-marries prior to attaining the age of fifty-five years, but—

- (c) the pension shall again become payable during any period after such re-marriage during which the widow is not a party to a subsisting marriage;
- (d) during any period of re-marriage the pension or any part thereof as is determined by the Trustees may be paid if the widow satisfies the Trustees that the loss of pension causes severe hardship; and
- (e) shall, in any event, again become payable when she attains the age of fifty-five years.

(5) A pension is not payable under this section to a widow referred to in subsection (1) or subsection (1a) of this section if her marriage to the former member took place after the former member finally ceased to be a member, except—

- (a) if the widow is aged fifty-five years or more at the date of the former member's death; or
- (b) as from the date on which the widow attains the age of fifty-five years, if she was less than that age at the date of the former

member's death, but no pension is payable under this paragraph if the widow has re-married prior to attaining that age,

and any pension which becomes payable to a widow pursuant to this subsection shall cease to be payable upon her re-marriage.

19A. Any reference in this Act to a widow of a member or former member shall, by force of this section, be construed as including and extending to a widower of a member or former member.

Widowers' pensions, etc.
Added by No. 115 of 1976, s. 5.

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.

Commutation of certain widows' pensions.
Added by No. 54 of 1980, s. 11.

(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.

Repayments
to Fund of
amounts
previously
paid to
contributor.
Substituted
by No. 54
of 1980, s. 12.

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.

Termination
of pension if
recipient
becomes
member of
Parliament.

21. If a former member who is receiving or is entitled to receive a pension under this Part again becomes a member, his right to that pension shall cease.

Reduction
of pensions
in certain
cases.

22. (1) Subject to section 21 of this Act and to subsection (2) of this section, but notwithstanding any other provision of this Act, where a former member who is receiving or is entitled to receive a pension under this Part—

- (a) becomes a member of the Parliament of the Commonwealth or of any other State;
or

- (b) holds within the State or elsewhere an office of profit under the Crown, whether in right of the State or otherwise,

the pension payable to him from time to time under this Part shall be reduced by the amount, if any, by which the remuneration he receives as such a member of Parliament or from the office of profit, as the case may be, together with two-thirds of that pension exceeds the basic salary for the time being payable to a member.

(2) Where, but for this subsection, a pension payable to a former member would be reduced, pursuant to subsection (1) of this section, by more than two-thirds, that pension shall be reduced by two-thirds only.

23. (1) Subject to this section, on the death of a member or on the death of a former member who at the time of his death was in receipt of pension under this Act, there is payable to any child of the member or former member for so long as the child—

Children's
allowances.
Amended by
No. 94 of
1975, s. 12.

- (a) is less than sixteen years of age; or
- (b) is more than sixteen but less than twenty-five years of age and is undergoing a full-time course of education at a school, college, institute or university,

an annual allowance—

- (c) while the deceased member or former member is survived by a widow—of three per centum of the basic salary for the time being payable to a member;
- (d) while the deceased member or former member is not survived by a widow—of six per centum of the basic salary for the time being payable to a member.

(2) [*Repealed by No. 94 of 1975, s. 12.*]

(3) Payment of allowance under this section in respect of any child shall be made on behalf of the child to such person or persons as the Treasurer determines, and the Treasurer is under no obligation or duty to inquire into or see to the proper application of any payments so made.

Widows and children not entitled to more than one pension. Added by No. 94 of 1975, s. 13.

23A. Notwithstanding any other provision of this Act, where but for this section a widow would be entitled to receive more than one widow's pension or a child would be entitled to receive more than one children's allowance during any particular period, only the greater or greatest of those pensions or allowances, as the case may be, shall be payable.

Minimum benefit payable. Substituted by No. 54 of 1980, s. 13.

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.

PART V.—MISCELLANEOUS.

Pensions payable fortnightly, etc.

25. (1) Every pension under this Act is payable in fortnightly instalments equal to one twenty-sixth of the annual rate of the pension, and is apportionable in point of time.

(2) Where in calculating the annual pension payable to a person under this Act, the result so obtained includes a fraction of a dollar, that pension shall be increased to the next whole dollar.

(3) Every fortnightly instalment of pension or allowance under this Act which includes a fraction of a cent shall be increased to the next whole cent.

26. All pensions, benefits and refunds of contributions under this Act payable to members, former members and the widows and children of members and former members shall be paid out of the Fund.

Pensions, etc., to be paid out of Fund.

27. Subject to sections 11, 12 and 26 of this Act, the costs of the administration of this Act shall be paid out of the Consolidated Revenue Fund, which is hereby appropriated accordingly.

Administra-
tion.

28. (1) An investigation as to the state and sufficiency of the Fund shall be made by the Government Actuary at the expiration of each period of three years.

Actuarial
investiga-
tion.
Amended by
No. 22 of
1971, s. 3.

(2) The first investigation under this section shall be made into the state and sufficiency of the Fund as at the thirtieth day of June, 1971.

(3) The Government Actuary shall, after making any investigation under this section, make a report to the Trustees as to the results of the investigation and shall include in his report his conclusions as to—

- (a) whether the Fund is sufficient to provide for the pensions, benefits and refunds of contributions payable under this Act; and
- (b) the amounts, if any, necessary to be paid into the Fund in accordance with paragraph (b) of subsection (1) of section 12 of this Act.

29. (1) Any payment of pension made under the repealed Act to a former member or widow of a former member with respect to the period commencing on the first day of January, 1970 and ending on the date on which this Act receives the

Special
provisions
concerning
pension
payments
made during
period
commencing
1/1/70.

Royal Assent shall, for the purposes of this Act, be regarded as having been made in part payment of the pension liable to be paid to that former member or widow under Part IV of this Act with respect to that period.

(2) As soon as practicable after the date on which this Act receives the Royal Assent there shall be paid to a former member or widow referred to in subsection (1) of this section the amount, if any, by which the amount of pension to which the former member or widow is entitled under Part IV of this Act with respect to the period referred to in that subsection exceeds the amount of pension actually paid under the repealed Act to that former member or widow with respect to that period, and thereupon that former member or widow is not entitled to any further payment under this Act with respect to that period.

Pensions,
etc., not
assignable,
etc.

30. Subject to any provision of this Act whereby it is expressly provided that an amount, sum or benefit is payable to the personal representative of a member or his widow, the right or interest of any member or former member or of the widow or child of any member or former member, in the Fund or to any payment, benefit or pension payable from the Fund shall not be in any way assigned, charged or passed by operation of law to any person other than the member or former member, as the case may be, or his widow or children, and the pensions, benefits and payments payable under this Act shall be personal to the member or former member as the case may be and to his widow and children and shall not inure for the benefit of their respective estates.

Regulations.

31. The Governor may make regulations not inconsistent with this Act prescribing any matter or thing necessary or convenient to be prescribed for the purposes of carrying this Act into effect.

Parliamentary Superannuation.

SCHEDULE.

Title of Act.

Parliamentary Superannuation Act 1948.
Parliamentary Superannuation Act Amendment Act 1950.
Parliamentary Superannuation Act Amendment Act 1951.
Parliamentary Superannuation Act Amendment Act 1953.
Parliamentary Superannuation Act Amendment Act 1954.
Parliamentary Superannuation Act Amendment Act 1955.
Parliamentary Superannuation Act Amendment Act 1957.
Parliamentary Superannuation Act Amendment Act 1958.
Parliamentary Superannuation Act Amendment Act 1960.
Parliamentary Superannuation Act Amendment Act 1964.
Parliamentary Superannuation Act Amendment Act 1968.

