

PARLIAMENTARY SUPERANNUATION.

No. 60 of 1948.

(As amended by Acts Nos. 32 of 1950(a), 43 of 1951(b), 52 of 1953(c), 69 of 1954(d) and 46 of 1955(e).)

AN ACT to provide for the payment of Superannuation Pensions or other Benefits to persons who have served as Members of Parliament and to their Dependants.

[Assented to 21st January, 1949.]

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:—

1. This Act may be cited as the *Parliamentary Superannuation Act, 1948-1955*, and shall come into operation on the first day of January, 1949.

Short title and commencement.
No. 60 of 1948, s. 1 as amended by No. 46 of 1955, s. 1 (3).

2. On the commencement of this Act the Members of Parliament Fund Act, 1941 (No. 54 of 1941), (hereinafter in this Act referred to as "the repealed Act") shall be repealed, subject, however, to the provisions of this Act.

Repeal of Act.
No. 60 of 1948, s. 2.

(a) Assented to 13th December, 1950; enacted to be effective from 1st January, 1949, s. 1.

(b) Assented to 20th December, 1951; enacted to come into operation on 1st January, 1952, s. 2.

(c) Assented to 9th January, 1954; enacted to come into operation on 31st October, 1953, s. 2.

(d) Assented to 30th December, 1954.

(e) Assented to 5th December, 1955.

Interpreta-
tion.
No. 60 of 1948,
s. 3.

3. In this Act, subject to the context—

“dependant” means the widow or widower of a deceased member, or where there is no widow or widower it shall include any dependent child or children under the age of sixteen years, but shall not include the widow or widower of a person who marries after becoming a pensioner under this Act, or the children of such marriage;

“Fund” means the Parliamentary Superannuation Fund established pursuant to this Act;

“loss of membership” includes cessation of membership through death, disqualification, resignation, defeat at the poll, failure to nominate for re-election, or by reason of any other cause whatsoever, whether *ejusdem generis* with the foregoing or otherwise, but a member shall not be deemed to have lost his seat by dissolution of the Legislative Assembly if he is elected to the next succeeding Parliament, or in case of a member of the Legislative Council, by expiration of his term if he is elected immediately thereafter for a further term, and “ceases to be a member” shall have a corresponding meaning;

“Member” means a member of the Parliament of the State of Western Australia;

“Trustee” means a Trustee of the Parliamentary Superannuation Fund.

Parliament-
ary Super-
annuation
Fund.
No. 60 of 1948,
s. 4.

4. (1) There shall be established a fund to be called the Parliamentary Superannuation Fund.

(2) The Fund shall consist of—

- (a) contributions paid by members pursuant to this Act;
- (b) all interest and other income earned by the investment of the Fund or any part thereof;

(c) moneys borrowed by the Trustees pursuant to this Act;

(d) all moneys lying to the credit of the Members of Parliament Fund at the commencement of this Act.

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

5. The Treasurer may make available without cost to the Trustees, the services of any officer of the public service of the State for the purpose of assisting the Trustees in the administration of this Act.

Treasurer
may make
public
officer
available.
No. 60 of 1948,
s. 5.

6. The Trustees may invest the Fund or any part thereof in any investments in which Trustees are authorised to invest trust funds under the Trustee Act, 1900,* or any other Act.

Investment
of Fund.
No. 60 of 1948,
s. 6.

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

Accounts.
No. 60 of 1948,
s. 7.

(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.

8. 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.
No. 60 of 1948,
s. 8.

9. (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.
No. 60 of 1948,
s. 9.

* See now the Trustees Act, 1900-1955.

(2) Unless otherwise ordered by the respective Houses, the Trustees, other than the Chairman, shall be appointed at the first sitting of each Parliament, provided that if at any time a vacancy occurs in the office of any such Trustees the Speaker of the Legislative Assembly or the President of the Legislative Council may appoint a Trustee to hold office until the vacancy is filled by order of the House concerned.

(3) 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.

(4) The Trustees shall have power to borrow on the security of property held by them as Trustees or on the guarantee of the Treasurer.

(5) 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.

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

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

Contributions.
No. 60 of 1948,
s. 10 as amended by
No. 43 of 1951,
s. 4;
No. 69 of 1954,
s. 2; and
No. 46 of 1955,
s. 2.

10. (1) Every member shall contribute to the Fund at the rate of fifty-two pounds per annum until the thirty-first day of December, one thousand nine hundred and fifty-four, and thereafter every member shall contribute to the Fund at the rate of seventy-eight pounds per annum.

(2) Notwithstanding the provisions of the Parliamentary Allowance Act, 1911-1944,* or any other Act to the contrary, the contributions payable under this section shall be deducted by the Treasurer in equal instalments from every amount of Parliamentary allowance payable to the member, and the amounts so deducted shall be paid by the Treasurer into the Fund.

* See now the Parliamentary Allowances Act, 1911-1955.

(3) The Treasurer shall pay into the Fund an amount of four thousand one hundred and sixty pounds per annum until the thirty-first day of December, one thousand nine hundred and fifty-four, and thereafter an amount of six thousand two hundred and forty pounds per annum from the Consolidated Revenue Fund, which is hereby permanently appropriated accordingly.

Added by
No. 43 of 1951,
s. 4 (b), and
amended by
No. 69 of 1954,
s. 2 (b).

(4) (a) Where a person was, or became, a member on or after the coming into operation of this Act, he may

Added by
No. 46 of 1955,
s. 2.

if he is a member at the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1955,

within three months after the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1955, pay into the Fund an amount equivalent to the amount of contribution which he would have had to pay in respect of a period specified by him, had he been a member during that period, but the provisions of this paragraph 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 election.

(b) Where a person becomes a member on or after the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1955, he may within three months after the date of his election 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 paragraph 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 election.

(c) Upon loss of membership by a person who pays into the Fund an amount in accordance with the provisions of paragraph (a) or paragraph (b) of this subsection, the person is entitled to receive from the Fund such pension or other amounts as is payable

to him under section eleven A of this Act as though the specified period referred to in those paragraphs were regarded as a portion of the period for which he had paid contributions.

Benefits and Pensions.
No. 69 of 1948, s. 11 as amended by No. 32 of 1950, s. 3;
No. 43 of 1951, s. 5;
No. 52 of 1953, s. 3; and
No. 46 of 1955, ss. 3 and 4.

11. (1) Upon loss of membership by any person from whose salary, prior to the commencement of this Act, deductions had been made pursuant to the provisions of the repealed Act, there shall be paid from the Fund—

- (a) if the loss of membership occurs on or before the thirtieth day of June, 1949, the benefit to which such member would have been entitled under the provisions of the repealed Act had that Act continued in operation and the deductions from his allowance pursuant to the provisions of that Act had continued to be made until the date of such loss of membership; and
- (b) if the loss of membership occurs after the thirtieth day of June, 1949, the benefit to which such member would have been entitled under the provisions of the repealed Act had such loss of membership occurred on the thirtieth day of June, 1949, and the repealed Act had continued in operation and the deductions from his allowance been made until that date.

No. 69 of 1954, s. 3 (a).

(2) Subject to this Act in general and to subsection (2a) of this section in particular and in addition to any benefit paid under subsection (1) of this section, there shall be paid from the Fund, upon loss of membership by any person, the pensions and other amounts following:—

- (a) To such person, if he was a member at the commencement of this Act and has served as a member—
 - (i) for not less than fourteen years, and has paid contributions under this Act for a period which, together with any period during which deductions

were made from his allowance pursuant to the provisions of the repealed Act is in the aggregate more than seven but less than fourteen years, a pension at the rate of six pounds (£6) per week for ten years and thereafter for a further ten years at the rate of three pounds (£3) per week;

No. 52 of 1950,
s. 3.

No. 52 of 1953,
s. 3 (a).

No. 52 of 1953,
s. 3 (b).

(ii) for not less than seven years, and has contributed under this Act for a period which, together with any period during which deductions were made from his allowance pursuant to the provisions of the repealed Act, is less in the aggregate than seven years, a pension at the rate of two pounds ten shillings (£2 10s.) per week for ten years.

(b) To such person if he has served as a member for not less than fourteen years and has paid contributions under this Act for a period which, together with any period during which deductions were made from his allowance pursuant to the provisions of the repealed Act is not less in the aggregate than fourteen years, a pension at the rate of seven pounds (£7) per week for ten years and thereafter for a further ten years at the rate of three pounds ten shillings (£3 10s.) per week.

No. 52 of 1953,
s. 3 (c).

No. 52 of 1953,
s. 3 (d).

(c) To such person, if he has served as a member for not less than seven years and has paid contributions under this Act for a period which, together with any period during which deductions were made from his allowance pursuant to the provisions of the repealed Act, is not less in the aggregate than seven years, a pension at the rate of three pounds (£3) per week for ten years.

- (d) To any person who has been a member for less than seven years, the amount of his contributions after the commencement of this Act with interest at the rate determined by the Trustees.

Added by
No. 69 of 1954,
s. 3 (b);
and
amended by
No. 46 of 1955,
s. 3 (a).

(2a) (a) Where loss of membership occurs after the thirty-first day of December, one thousand nine hundred and fifty-four, the rates of pension specified in subsection (2) of this section are increased by fifty per centum.

No. 46 of 1955,
s. 3 (b).

(b) The provisions of subsection (2) do not apply to a person who ceases to be a member on or after the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1955.

(3) For the purpose of computing any period during which deductions were made from a member's allowance pursuant to the provisions of the repealed Act, the selected period (if any) in respect to which such member shall have made a voluntary contribution to the Members of Parliament Fund pursuant to the provisions of clause two of the Schedule to the repealed Act, shall be added to the period of membership during which such deductions were actually made.

(4) Notwithstanding anything in this section contained, the pension payable under subsection (2) of this section to a person who receives a benefit under subsection (1) of this section, shall not commence until the expiration of a period required to exhaust the payment of the benefit paid under subsection (1) of this section calculated at the rate of pension payable under subsection (2) of this section; but for the purpose of computing the period during which the pension shall be payable the pension shall be deemed to have been paid from the date on which it would have been paid had the person not received the benefit under subsection (1) of this section.

(5) There shall be paid from the Fund—

- (a) to the dependant of a person who dies while a member, the whole of the benefit (if any) to which such member would have been

entitled under subsection (1) of this section had he ceased to be a member, otherwise than by death, on the date when, in fact, he died, and also subject to the provisions of subsection (5a) of this section, the pension to which the member would have been from time to time, entitled, under subsection (2) of this section, had he ceased to be a member, otherwise than by death, on the date when, in fact, he died, diminished by—

No. 43 of 1951,
s. 5 (a).

(i) one third during the first five years of the pension period; and

(ii) one half during the remainder of the pension period; and

(b) to the dependant of a person who dies after he ceases to be a member but before the end of the period for which he would have been entitled to payment of a pension, one-half of the pension to which such person would have been, but for his death, from time to time, entitled.

(5a) (a) Payment of the pension referred to in paragraph (a) of the last preceding subsection shall not commence until the expiration of the period required to exhaust the benefit referred to in that paragraph, at the rate at which that pension is payable pursuant to the provisions of that paragraph.

Added by
No. 43 of 1951,
s. 5 (b).

(b) The provisions of the last preceding paragraph shall apply whether that benefit has been paid before, on or after the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1951, namely, the first day of January, one thousand nine hundred and fifty-two.

(5b) Where a member dies leaving no dependant, the Trustees shall pay to the estate of the deceased member the amount of contributions paid by him to the Fund together with interest thereon at a rate determined by the Trustees.

Added by
No. 46 of 1955,
s. 4 (a).

(5c) (a) A person who is, and prior to the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1955, was, receiving a pension in accordance with the provisions of this Act is entitled to receive from the Fund, in addition to the pension, a supplementary payment at the rate of twenty-six pounds per annum.

(b) The amount necessary to make the supplementary payment to persons entitled thereto is payable to the Fund out of the Consolidated Revenue Fund and is to that extent permanently appropriated.

No. 46 of 1955,
s. 4 (b).

(6) Subject to the provisions of subsection (5b) of this section, the right or interest of any member in the Fund or 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 his dependants and the payments, benefits and pensions payable under this Act shall be personal to the member or his dependants and shall not inure for the benefit of their respective estates.

Benefits payable after commencement of Parliamentary Superannuation Act Amendment Act, 1955. Added by No. 46 of 1955, s. 5.

11A. (1) (a) Where a person ceases to be a member after the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1955, the Trustees shall, subject to subsection (2) of this section, pay to him from the Fund, in addition to the benefit, if any, payable under subsection (1) of section eleven, such pension or other amount as is payable in accordance with the provisions of paragraph (b) of this subsection.

(b) If the person has paid contributions for a period which, together with any period during which deductions had been made from his allowance pursuant to the provisions of the repealed Act, is in the aggregate—

(i) not less than thirteen years,

a pension at the rate of eleven pounds per week for ten years and thereafter at the rate of five pounds ten shillings per week for a further ten years is payable;

- (ii) less than thirteen years but not less than eleven years,

a pension at the rate of nine pounds ten shillings per week for ten years and thereafter at the rate of four pounds fifteen shillings per week for a further ten years is payable;

- (iii) less than eleven years but not less than nine years,

a pension at the rate of seven pounds per week for ten years is payable;

- (iv) less than nine years but not less than seven years,

a pension at the rate of four pounds ten shillings per week for ten years is payable;

- (v) less than seven years,

the amount of his contributions made by him pursuant to the provisions of this Act together with interest thereon at a rate determined by the Trustees is payable.

(2) (a) Where a person has after the coming into operation of the Parliamentary Superannuation Act Amendment Act, 1955, qualified for but is not receiving a pension, he may, within thirty days after the date when he ceases to be a member or such further time as the Trustees may allow, apply in writing to the Trustees to pay to him in lieu of the pension, the amount of the contributions made by him to the Fund.

(b) Upon receipt of the application the Trustees shall pay to him in lieu of the pension the amount of the contributions together with interest thereon at a rate determined by the Trustees.

12. [Amended by No. 32 of 1950, s. 4; and by No. 43 of 1951, s. 6; and repealed by No. 46 of 1955, s. 6.]

Disqualifica-
tion from
benefit upon
resignation,
etc., without
sufficient
cause.

Member
being
re-elected
after ceasing
to be a
member.
No. 60 of 1948,
s. 13.

13. In the case of a person who has ceased to be a member and has—

- (a) received a refund of his contributions under this Act and has been paid the amount (if any) payable under paragraph (b) of clause one of the repealed Act, and has again become a member, his membership for the purposes of this Act shall be deemed to commence from the period of his re-election, unless, within a period of three months from the date of his re-election, he shall repay to the Fund a sum equal to the aggregate of all payments made to him from the Fund, whereupon his period of membership shall be deemed to include the period of his membership prior to his ceasing to be a member; or
- (b) received a pension under the provisions of this Act and has again become a member, his period of membership shall be deemed to include the period of his membership prior to his having ceased to be a member, but the period during which he shall be entitled to a pension at the rate equal to the rate of pension he was previously paid, shall be reduced by a period equal to the period during which he previously received such pension.

Person in
receipt
of pension
receiving
other re-
muneration
from the
Crown.
No. 60 of 1948,
s. 14.

14. If a person in receipt of a pension under this Act or entitled on account of loss of membership to a pension—

- (a) becomes a member of the Parliament of any other State, or of the Commonwealth, and receives any salary or Parliamentary allowance in the nature of salary in respect of his office as such member; or
- (b) holds any office under the Crown, whether in Western Australia or elsewhere, for which he is remunerated out of the moneys of the Crown; or

- (c) is in receipt of a pension received by him by reason of having been a member of any such Parliament or having held such office;

then, if the salary, remuneration or pension received by the said person as mentioned in paragraphs (a), (b) or (c) of this section is at a rate in excess of five hundred and forty-six pounds per annum, the pension under this Act shall be reduced by the amount of such excess.

No. 69 of 1954,
s. 4.

15. (1) Pensions under this Act shall be payable in fortnightly instalments.

Pensions payable fortnightly.
No. 60 of 1948,
s. 15.

(2) Pensions under this Act shall be apportionable in point of time.

16. The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for the administration of this Act or for giving effect to the objects of this Act.

Regulations.
No. 60 of 1948,
s. 16.

17. The cost of the administration of this Act shall be paid out of Consolidated Revenue.

Cost of administration.
No. 60 of 1948,
s. 17.

17A. Where money payable under this Act is not claimed for a period of six years from the day when it became so payable, the money, by virtue of this section and notwithstanding the provisions of any other Act, remains part of the Fund.

Unclaimed moneys remain in Fund.
Added by
No. 69 of 1954,
s. 5.

18. 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 five years after the commencement of this Act. The Government Actuary making the investigation shall report to the Trustees, the result of his investigation and shall state whether any reduction or increase is necessary in the rates of contributions payable to the Fund and where the Fund is found to be more than sufficient or is insufficient to provide for the

Actuarial Investigation and Report.
No. 60 of 1948,
s. 18.

benefits which are a charge upon the Fund, he shall also state what additional benefits (if any) could, in his opinion, be provided out of the surplus or what reduction in benefits (if any) is, in his opinion, necessary:

Provided that if the Government Actuary reports that the rates of contributions or the rates of benefits payable under this Act may or should be varied, the decision as to what action shall be taken shall be made by a majority of the subscribers to the Fund, and a meeting for that purpose shall be convened by the Trustees.