

# PARLIAMENTARY SUPERANNUATION.

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No. 94 of 1975.

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**AN ACT to amend the Parliamentary Superannuation Act, 1970-1971.**

*[Assented to 20th November, 1975.]*

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

1. (1) This Act may be cited as the *Parliamentary Superannuation Act Amendment Act, 1975.*

Short title  
and citation.

(2) In this Act the Parliamentary Superannuation Act, 1970-1971 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Parliamentary Superannuation Act, 1970-1975.

Commence-  
ment.

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

(2) Sections 4 and 5 of this Act shall come into operation on the first day of January, 1976.

(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.

Section 5  
amended.

3. Subsection (1) of section 5 of the principal Act is amended—

(a) by deleting the interpretation “basic salary” and substituting the following interpretation—

“basic salary”—

(a) in relation to any period when the remuneration of members was fixed under the Parlia-

mentary 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;

(b) by adding after the interpretation “Fund” the following interpretation—

“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; ;

(c) by adding after the interpretation “member” the following interpretation—

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

(d) by deleting the interpretation “salary” and substituting the following interpretation—

“salary”, in relation to a member—

(a) in relation to any period when the remuneration of members was fixed under the Parliamentary Salaries and Allow-

ances 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; .

Section 11  
amended.

4. Section 11 of the principal Act is amended—

- (a) by deleting the word “There” in line one of subsection (1) and substituting the passage “Subject to subsection (1a) of this section, there”; and
- (b) by adding after subsection (1) the following subsection—

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

5. Subsection (1) of section 13 of the principal Act is amended— Section 13  
amended.

- (a) by deleting the word “thirty” in line four of the interpretation “basic pension” and substituting the word “thirty-eight”; and
- (b) by deleting the word “thirty-six” in line ten of the interpretation “basic pension” and substituting the word “thirty-two”.

6. Section 14 of the principal Act is amended by adding after subsection (1) the following subsection— Section 14  
amended.

(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;

- (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. .

Section 15  
amended.

7. Section 15 of the principal Act is amended—

- (a) by adding after the section number “15.” the subsection designation “(1)”; and
- (b) by adding at the end thereof the following subsection—

(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. .

Section 15A  
added.

8. The principal Act is amended by adding a section as follows—

Increases in  
certain  
pensions  
after 1975.

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. .

9. The principal Act is amended by adding a section as follows—

Section 15B added.

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.

(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 first-mentioned Index is less than the second-mentioned 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. .

10. Section 18 of the principal Act is amended— Section 18  
amended.

- (a) by deleting the words “or re-marriage” in line five of subsection (1); and
- (b) by adding after subsection (3) the following subsection—

(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. .

11. Section 19 of the principal Act is amended— Section 19  
amended.

- (a) by deleting the word “On” occurring in—
  - (i) line one of subsection (1);
  - (ii) line one of subsection (2); and
  - (iii) line one of subsection (3),

and substituting the passage “Subject to this section, on”, in each case;

- (b) by deleting the words “or re-marriage” occurring in—
- (i) lines three and four of subsection (1);
  - (ii) line four of subsection (2); and
  - (iii) line four of subsection (3);
- (c) by deleting the words “but for his death” in line seven of subsection (1) and substituting the passage “if he had not died and, where he made an election under subsection (2) of section 16 of this Act, if he had not made that election”;
- (d) by adding after subsection (1) the following subsection—
- (1a) Subject to this section, on the death of a former member the whole of whose pension entitlement was converted to a lump sum payment under subsection (1) of section 16 of this Act, the widow of the former member is entitled to be paid, until her death, an annual pension at the rate of five-eighths of the pension that would from time to time be payable under this Act to her husband if he had not died and if the whole of his pension entitlement had not been so converted. ; and
- (e) by repealing subsection (4) and substituting the following subsections—
- (4) The pension payable under this section to—
- (a) a widow referred to in subsection (1) 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) 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; and
- (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.

(5) A pension is not payable under this section to a widow referred to in subsection (1) 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. .

Section 23  
amended.

12. Section 23 of the principal Act is amended—

(a) by deleting the word “twenty-one” in lines one and two of paragraph (b) of subsection (1) and substituting the word “twenty-five”; and

(b) by repealing subsection (2).

Section 23A  
added.

13. The principal Act is amended by adding after section 23 the following new section—

Widows and  
children not  
entitled to  
more than  
one pension.

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. .

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