

Parliamentary Retiring Allowances

No. 35 of 1965

An Act relating to Parliamentary Retiring Allowances.

[Assented to 2 June, 1965]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1) This Act may be cited as the *Parliamentary Retiring Allowances Act 1965*. Short title and citation.

(2) The *Parliamentary Retiring Allowances Act 1948–1964** is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Parliamentary Retiring Allowances Act 1948–1965*.

(4) The *Parliamentary Retiring Allowances Act 1964,†* as amended by this Act, may be cited as the *Parliamentary Retiring Allowances Act 1964–1965*.

2.—(1) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2) Sections 7 and 12 of this Act shall be deemed to have come into operation on the first day of November, One thousand nine hundred and sixty-four.

3. Section 3 of the Principal Act is amended by omitting the word and figures “(Sections 5–8)” and inserting in their stead the word and figures “(Sections 5–8A)”. Parts.

4. After section 8 of the Principal Act the following section is inserted in Part II. :—

“ 8A.—(1) The Trust may, in relation to a matter or class of matters, by writing under its common seal, delegate to a trustee any of its powers or functions under this Act (except this power of delegation). Delegation.

“ (2.) The Trust may, either generally or in relation to a matter or class of matters, by writing under its common seal, delegate to a trustee or to an officer of the Department of the Treasury

* Act No. 89, 1948; as amended by No. 3, 1952; No. 30, 1955; No. 20, 1959; and No. 72, 1964.

† Act No. 72, 1964.

all or any of its powers under section ten of this Act including its powers under the provisions of that section in their application to and in relation to the Ministerial Retiring Allowances Fund.

“(3.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

“(4.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Trust.”.

5. Section 13 of the Principal Act is repealed and the following section inserted in its stead:—

Contributions
by members.

“13.—(1.) A member or other person who is in receipt of a parliamentary allowance shall contribute to the Fund at the rate per month of eleven and one-half per centum of the monthly amount of his parliamentary allowance.

“(2.) For the purposes of the last preceding sub-section, the monthly amount of a parliamentary allowance shall be deemed to be one-twelfth of the annual amount of that allowance.

“(3.) The contributions payable under this section shall be deducted from payments of parliamentary allowance made to the member or other person, and each deduction shall, so far as practicable, be made in respect of the same period as that in respect of which the payment is made.

“(4.) Amounts so deducted shall be paid into the Fund.

“(5.) In this section, ‘ month ’ means one of the twelve months of the year.”.

Benefits to
members.

6. Section 18 of the Principal Act is amended by omitting sub-paragraph (ii) of paragraph (a) of sub-section (2.) and inserting in its stead the following sub-paragraph:—

“(ii) his period of service is not less than eight years or he has, on each of at least three occasions (including occasions before the commencement of this section), ceased to be a member by reason of the dissolution or expiration of the House of which he was then a member or by reason of the expiration of his term of office.”.

The Ministerial
Retiring
Allowances
Fund.

7. Section 22B of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(4.) The Ministerial Fund is vested in, and shall be managed by, the Trust.”.

8. Section 22E of the Principal Act is amended by omitting sub-section (5.) and inserting in its stead the following sub-sections:—

“(5.) The provisions of paragraphs (a), (b) and (c) of sub-section (2.) of section twenty-two J of this Act apply for the purposes of paragraph (a) of the last preceding sub-section.

“(6.) The rates of contributions under this section are—

- (a) in the case of a Minister or the Leader of the Opposition in the House of Representatives—Eighteen pounds ten shillings per month;
- (b) in the case of the Leader of the Opposition in the Senate or the Deputy Leader of the Opposition in the House of Representatives—Nine pounds five shillings per month; and
- (c) in the case of the Deputy Leader of the Opposition in the Senate—Four pounds twelve shillings and sixpence per month.

“(7.) In the last preceding sub-section, ‘month’ means one of the twelve months of the year.”.

9. Section 22H of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) Where the period of service of the person is less than eight years, but he has, on each of at least three occasions (including occasions before the commencement of this section), been either a Minister, or the Leader of the Opposition in the House of Representatives, at the time of the dissolution or expiration of the House of which he was then a member, the last preceding sub-section applies as if his period of service were eight years.”.

10. After section 24 of the Principal Act the following sections are inserted:—

“24A. Pensions and contributions under this Act grow due from day to day.

“24B.—(1.) Pensions under this Act are payable fortnightly.

“(2.) In the case of a pension at an annual rate, the amount payable in respect of a day shall be ascertained by dividing the annual amount of the pension by three hundred and sixty-five and in the case of a pension payable at a weekly rate, the amount payable in respect of a day shall be ascertained by dividing the weekly amount by seven.

Contributions.

Benefits to contributors.

Accrual of pensions and contributions.

Payment of pensions.

Revocation of elections or the exercise of options.

“ 24C. An election, or the exercise of an option, under this Act may be revoked, as prescribed, at any time before a payment has been made in accordance with the election or the exercise of the option.”.

Contributions by the Commonwealth.

11. Section 7 of the *Parliamentary Retiring Allowances Act* 1964 is amended by adding at the end thereof the following sub-section:—

“(2.) The application of the amendment made by the last preceding sub-section extends to amounts of pension paid before the date of commencement of this section to or in relation to a person who ceased to be entitled to a parliamentary allowance (by death or otherwise) before that date but on or after the first day of March, One thousand nine hundred and fifty-nine.”.

Amount payable to certain pensioners.

12. Section 18 of the *Parliamentary Retiring Allowances Act* 1964 is amended—

- (a) by omitting from sub-section (3.) the words “to be attributable to the contributions made in relation to the pensions referred to in sub-section (1.) of this section” and inserting in their stead the words “to be equitable having regard to the reserves set up in the Fund at that date in relation to the pensions referred to in sub-section (1.) of this section and to all the reserves set up in the Fund at that date”; and
- (b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) In making a recommendation referred to in sub-section (2.) of this section, the Commonwealth Actuary shall take into consideration—

- (a) the rates of additional pension that he considers could be paid, from the portion of the amount of Seventy-seven thousand pounds that is determined under the last preceding sub-section, in respect of the following two classes of persons respectively:—
- (i) persons referred to in sub-section (1.) of this section who became entitled to pensions by virtue of having been members; and
- (ii) persons so referred to who became entitled to pensions as widows, and persons who may become entitled to pensions as widows of persons so referred to,

on the assumption that the rate in respect of persons of the class specified in sub-paragraph (ii) of this paragraph is to be five-sixths of the rate in respect of persons of the class specified in sub-paragraph (i) of this paragraph; and

- (b) the present value, as determined by the Commonwealth Actuary, of pension at the additional rate or rates that would be applicable to or in relation to the person with respect to whom the recommendation is to be made.”.

13.—(1.) The amount of a payment made to a person before the day on which this Act received the Royal Assent out of the Consolidated Revenue Fund by reference to section 18 of the *Parliamentary Retiring Allowances Act* 1964 shall be set off against any entitlement of that person under that section as amended by this Act.

Adjustments
in respect of
payments for
certain
pensioners.

(2.) An amount equal to the total of the amounts paid out of the Consolidated Revenue Fund that are referred to in the last preceding sub-section shall be paid out of the Fund into the Consolidated Revenue Fund.
