



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 80 of 1969

An Act to amend the Parliamentary Superannuation Act, 1948-1965.

[Assented to 11th December, 1969.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Parliamentary Superannuation Act Amendment Act, 1969". Short titles.
- (2) The Parliamentary Superannuation Act, 1948-1965, as amended by this Act, may be cited as the "Parliamentary Superannuation Act, 1948-1969".
- (3) The Parliamentary Superannuation Act, 1948-1965, is hereinafter referred to as "the principal Act".
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement
3. Section 2 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection :— Amendment of principal Act, s. 2— Interpretation.
 - (1) In this Act unless the contrary intention appears—
"basic salary" in relation to a member, means the basic salary from time to time payable to that member pursuant to the Parliamentary Salaries and Allowances Act, 1965, as amended :

“contributory service” in relation to a member, means that portion of his service as a member which occurred after the first day of August, 1948 :

“member” means a member of either House of Parliament of this State and includes a person who having ceased to be such a member is still in receipt of parliamentary salary :

“parliamentary salary” in relation to a member, means the remuneration from time to time payable to that member pursuant to the Parliamentary Salaries and Allowances Act, 1965, as amended :

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

“the 1969 amending Act” means the Parliamentary Superannuation Act Amendment Act, 1969 :

“the trustees” means the trustees of the Parliamentary Superannuation Fund :

“trustee” means trustee of the Parliamentary Superannuation Fund.

Amendment of
principal Act,
s. 9—
Contributions
by members.

4. Section 9 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “and every person who, having ceased to be a member, is still in receipt of a Parliamentary salary” ;

(b) by striking out subsection (1a) and subsection (1b) and inserting in lieu thereof the following subsections :—

(1a) A member who, immediately before the commencement of the 1969 amending Act, was contributing to the fund at the rate of three hundred and forty-two dollars a year shall, unless he has made an election as provided in section 9a of this Act, thereafter contribute to the fund at the rate of six and three quarter per centum of his basic salary.

(1b) A member who, immediately before the commencement of the 1969 amending Act, was contributing to the fund at the rate of four hundred and fifty-six dollars a year shall thereafter contribute to the fund at the rate of nine per centum of his basic salary.

(1c) A person who becomes a member on or after the commencement of the 1969 amending Act shall contribute to the fund at the rate of nine per centum of his basic salary. ;

(c) by striking out from subsection (2) the passage "in equal instalments from every amount of Parliamentary" and inserting in lieu thereof the passage "in instalments from every amount of basic";

and

(d) by striking out from subsection (2) the passage "or other person".

5. The following section is enacted and inserted in the principal Act immediately after section 9 thereof :—

Enactment of
s. 9a of
principal Act.

9a. (1) A member referred to in subsection (1a) of section 9 of this Act may, within the period of two months next following the day of commencement of the 1969 amending Act, by notice addressed to and lodged with the trustees, elect to contribute to the fund at the rate referred to in subsection (1b) of that section in lieu of the rate referred to in subsection (1a) of that section.

Election by
certain
members.

(2) A person who has made an election pursuant to subsection (1) of this section shall—

(a) after that election was made contribute to the fund at the rate referred to in subsection (1b) of section 9 of this Act in lieu of the rate referred to in subsection (1a) of that section ;

and

(b) pay into the fund an amount, determined by the trustees as the amount payable into the fund by that person, either as a lump sum or by such instalments as are approved of by the trustees.

(3) For the purposes of this section, the trustees may determine an amount, as the amount payable into the fund by a person who has made an election pursuant to subsection (1) of this section, being an amount, in the opinion of the trustees, equal to the difference between the amount actually contributed to the fund pursuant to this Act by that person and the amount that the person would have been obliged to contribute to the fund if throughout the period that he has contributed to the fund he had so

contributed at the highest rate of contribution provided for by this Act as for the time being in force during that period.

(4) Notwithstanding anything in this Act, until the amount determined by the trustees pursuant to subsection (3) of this section is paid into the fund any pension payable under this Act to or in relation to a person in respect of whom that amount was so determined shall be reduced by the fraction of the pension ascertained by reference to the following formula :—

$$R = \frac{1}{4} \times \frac{B}{A}$$

where—

R = the fraction of the pension by which the pension shall be reduced :

B = the balance of the amount so determined for the time being unpaid :

A = the amount so determined.

(5) For the purposes of this section, if the person required to pay an amount referred to in paragraph (b) of subsection (2) of this section dies leaving a balance of that amount unpaid it shall be sufficient compliance with that paragraph if the balance unpaid is paid into the fund by any person.

(6) For the purposes of this Act, any moneys paid into the fund pursuant to paragraph (b) of subsection (2) of this section or any moneys paid into the fund pursuant to subsection (5) of this section shall be regarded as contributions to the fund pursuant to section 9 of this Act.

Amendment of
principal Act,
s. 11—

Right to
superannuation
pensions.

6. Section 11 of the principal Act is amended—

(a) by striking out from subparagraph (i) of paragraph (a) of subsection (1) the passage “Parliamentary Superannuation Act Amendment Act, 1965” and inserting in lieu thereof the passage “1969 amending Act” ;

(b) by striking out from subparagraph (iv) of paragraph (a) of subsection (1) the passage “three hundred and fifty-one pounds” and inserting in lieu thereof the passage “seven hundred and two dollars” ;

and

(c) by striking out paragraph (b) from subsection (1) and inserting in lieu thereof the following paragraph :—

(b) a person who, immediately before the commencement of the 1969 amending Act, was in receipt of or was entitled to a pension under this Act, shall, subject to this Act, thereafter continue to receive or be entitled to a pension under this Act.

7. Section 13 of the principal Act is repealed and the following sections are enacted and inserted in its place :—

Repeal of
s. 13 of
principal Act
and enactment
of sections
in its place.

13. (1) A person who, immediately before the commencement of the 1969 amending Act, was in receipt of a pension or was entitled to a pension under this Act, shall, subject to this Act, continue to receive that pension or continue to be entitled to that pension at the rate he was receiving it or was entitled to immediately before that day.

Rates of
pension.

(2) Where—

(a) a person first became a member on or after the first day of August, 1948 ;

(b) the rate of any pension, which he was receiving or was entitled to receive under this Act as in force immediately before the commencement of the 1969 amending Act, was calculated with reference to complete years of service of that person as a member ;

and

(c) that person had a period of service as a member which was not a complete year of service,

his pension or his entitlement to his pension shall from that commencement be increased by one twelfth of the amount by which his pension or his entitlement would have increased (had the period of service referred to in paragraph (c) of this subsection been a complete year of service) for each whole month comprised in that period of service.

(3) Where—

(a) a person was a member before the first day of August, 1948 ;

(b) the rate of any pension, which he was receiving or was entitled to receive under this Act as in force immediately before the commencement of

the 1969 amending Act, was calculated with reference to his contributory service ;

and

- (c) that contributory service included a period of service as a member which was not a complete year of service,

his pension or his entitlement to his pension shall from that commencement be increased by one twelfth of the amount by which his pension or entitlement would have been increased (had the period of service referred to in paragraph (c) of this subsection been a complete year of service) for each whole month comprised in that period of service.

(4) A person who becomes entitled to receive a pension under this Act on or after the commencement of the 1969 amending Act, shall, subject to this Act be entitled—

- (a) if immediately before he ceased to be a member, he was required to contribute to the fund at the rate of nine per centum of his basic salary—to an annual pension being the sum of the following amounts :—

- (i) in respect of the first eight years of his contributory service, an amount equal to thirty per centum of the basic salary paid to him immediately before he ceased to be a member ;
- (ii) in respect of any period of contributory service not exceeding sixteen years which occurred after the service referred to in subparagraph (i) of this paragraph, an amount of one twelfth of two and one tenth per centum of the basic salary paid to him immediately before he ceased to be a member, for each month of that period of contributory service ;

and

- (iii) in respect of any period of service as a member not referred to in subparagraphs (i) and (ii) of this paragraph whether contributory service or not, which when aggregated with the service referred to in those subparagraphs does not exceed thirty

years, an amount of one twelfth of seven tenths of one per centum of the basic salary paid to him immediately before he ceased to be a member, for each month of that period of service ;

and

(b) if immediately before he ceased to be a member he was required to contribute to the fund at the rate of six and three quarter per centum of his basic salary—to an annual pension of three quarters of the pension to which he would have been entitled if he had been required to contribute to the fund at the rate of nine per centum of his basic salary.

(5) Where a member retires on the ground of invalidity and the length of contributory service of that member is less than eight years, for the purpose of calculating a pension pursuant to this section the length of contributory service of that member shall be deemed to have been eight years.

(6) Where a member has had less than eight years' contributory service and his service, ascertained by reference to either paragraph (a) or paragraph (b) of subsection (2) of section 11 of this Act or, as the case may be, both of those paragraphs, is eight years' service, that member shall, for the purposes of subsection (4) of this section be deemed to have had eight years' contributory service.

13a. (1) Where, pursuant to this Act, a person first becomes entitled to a pension on retirement as a member, other than a pension on retirement due to invalidity, at any time within the period of three years next following the commencement of the 1969 amending Act he shall not be entitled to a pension of an amount ascertained by reference to section 13 of this Act unless he pays into the fund an amount determined by the trustees (without regard being had to any amount paid to the fund pursuant to paragraph (b) of subsection (2) of section 9a of this Act) as being the difference between the amount that had he not so become entitled he would have been obliged to contribute to the fund, if the 1969 amending Act had not been enacted, during the period elapsing between the day on which he so became entitled and the expiration of the period of three years and the amount that had he not so become entitled

Reduction of
the amount of
certain
pensions.

he would have been obliged to contribute to the fund pursuant to this Act during the period so elapsing if his basic salary had not been varied during that period.

(2) Where a person referred to in subsection (1) of this section does not pay into the fund the amount determined by the trustees pursuant to that subsection he shall, in lieu of a pension of an amount ascertained by reference to section 13 of this Act, be entitled to a pension of an amount ascertained by reference to the following formula :—

$$N = O + \frac{P}{C} \times D$$

where—

N = the amount of annual pension expressed in dollars to which he shall be entitled :

O = the amount of annual pension expressed in dollars to which he would have been entitled if the 1969 amending Act had not been enacted :

P = the total of his contributions to the fund expressed in dollars (other than any payment to the fund made pursuant to paragraph (b) of subsection (2) of section 9a of this Act) during the period elapsing between the commencement of the 1969 amending Act and the day on which he became entitled to the pension :

C = the total of the contributions to the fund expressed in dollars (other than any payment to the fund made pursuant to paragraph (b) of subsection (2) of section 9a of this Act) that he would have been obliged to make during the period of three years next following the commencement of the 1969 amending Act if—

(i) he had not become entitled to a pension ;
and

(ii) his basic salary had not been increased during the period elapsing between the day he became entitled to his pension and the expiration of that period of three years.

D = the difference expressed in dollars between—

(i) the amount of pension to which he would have been entitled if the 1969 amending Act had not been enacted ;
and

and

(ii) the amount of pension ascertained by reference to section 13 of this Act to which he would have been entitled.

(3) The provisions of subsection (1) of this section shall not apply to or in relation to the calculation of a pension payable pursuant to this Act to the widow or widower of a member.

(4) For the purposes of this Act any payment to the fund made pursuant to subsection (1) of this section shall be regarded as a contribution to the fund pursuant to section 9 of this Act.

8. Section 14 of the principal Act is amended—

(a) by inserting in subsection (1a) immediately before paragraph (b) the following paragraph :—

(aa) being a member of a political party, he has offered himself for endorsement as a candidate of that party for an election and has not secured that endorsement ; or ;

(b) by striking out from subsection (2) the passage “but except where under subsection (1) or subsection (1a) of this section he has satisfied a judge that there were good and sufficient reasons for his resignation or proposed resignation or for not seeking or not having sought re-election, as the case may be” and inserting in lieu thereof the passage “other than a person who has satisfied a judge that he is unable on the grounds of invalidity to continue to serve as a member”;

and

(c) by inserting immediately after subsection (4) the following subsections :—

(5) For the purposes of this Act, if a member—

(a) resigns before the expiration of his term of office as a member for the purpose of standing for election for the Parliament of any other State or of the Commonwealth ;

and

(b) so stands for election.

Amendment of
principal Act,
s. 14—
Conditions
precedent
to pension.

he shall be deemed to have satisfied a judge pursuant to paragraph (a) of subsection (1) of this section that there were good and sufficient reasons for his resignation.

(6) For the purposes of this Act, a person who has ceased to be a member on the expiration of his term of office, and who not later than the next general election for the Parliament of the Commonwealth or the next general election for the Parliament of another State stands for election to either of those Parliaments, shall be deemed to have satisfied a judge pursuant to paragraph (a) of subsection (1a) of this section that there were good and sufficient reasons why he should not have sought re-election.

Amendment of
principal Act,
s. 15—
Payment of
minimum
contribution
entitling to
pension.

9. Section 15 of the principal Act is amended by striking out the passage “three hundred and fifty-one pounds” and inserting in lieu thereof the passage “seven hundred and two dollars”.

Amendment of
principal Act,
s. 16—
Pension to
widow or
widower of
pensioner or
member.

10. Section 16 of the principal Act is amended—

- (a) by striking out from subsection (3) the passage “or a person in receipt of a parliamentary salary”;
- (b) by striking out from subsection (3) the passage “or person” and inserting in lieu thereof the passage “and where the length of contributory service of that member was less than eight years, for the purpose of calculating a pension pursuant to this subsection the length of contributory service of that member shall be deemed to have been eight years”;
- (c) by striking out from subsection (4) the passage “or person”;
- (d) by striking out from subsection (4) the passage “three hundred and fifty-one pounds” and inserting in lieu thereof the passage “seven hundred and two dollars”;
- (e) by striking out from subsection (5) the passage “or person” twice occurring;

(f) by striking out from subsection (5) the passage "three hundred and fifty-one pounds" and inserting in lieu thereof the passage "seven hundred and two dollars";

and

(g) by inserting after subsection (6) the following subsection :—

(7) Where on the commencement of the 1969 amending Act, a widow or widower was in receipt of a pension under this Act, that pension shall as and from that commencement be increased by three quarters of the rate by which a pension payable to the deceased spouse of that widow or widower would have been increased pursuant to subsection (2) or subsection (3) of section 13 of this Act as in force on that day if that deceased spouse had been in receipt of a pension on that day.

11. Section 17 of the principal Act is amended by inserting after subsection (1) the following subsections :—

Amendment of
principal Act,
s. 17—
Reduction of
pension in
certain cases.

(1a) A person referred to in paragraph (c) of subsection (1) of this section or a person, who had become entitled to a pension under this Act which had not commenced or become payable because he or she had not attained the age of fifty years and who receives or becomes entitled to a pension in respect of his or her service as a member of the Parliament of any other State or of the Commonwealth, may at any time elect to receive in lieu of his or her pension under this Act a refund of his or her contributions to the fund.

(1b) An election under this section shall be made in writing and shall be addressed to and lodged with the trustees.

(1c) A person who makes an election in accordance with this section shall not be paid a pension pursuant to this Act but shall be entitled to receive a refund of his or her contributions without interest less the total amount of pension, if any, received by that person pursuant to this Act.

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Amendment of
principal Act,
s. 19—
Refund on
death of
member or
person entitled
to deferred
pension.

12. Section 19 of the principal Act is amended by striking out from paragraph (a) the passage "or in receipt of a parliamentary salary".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.