



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 15 of 1974

An Act to provide for the payment of superannuation benefits to persons who have served as members of Parliament and for other purposes.

[Assented to 4th April, 1974]

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

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "Parliamentary Superannuation Act, 1974". Short title.
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. This Act is divided as follows:— Division of Act.
 - PART I—PRELIMINARY
 - PART II—ADMINISTRATION
 - DIVISION I—THE FUND
 - DIVISION II—THE TRUSTEES
 - PART III—CONTRIBUTIONS
 - PART IV—PENSION AND BENEFITS FOR FORMER MEMBERS
 - DIVISION I—ENTITLEMENT TO PENSION
 - DIVISION II—COMMUTATION OF PENSION
 - DIVISION III—OTHER BENEFITS
 - PART V—PENSION FOR SPOUSE AND CHILD BENEFIT
 - DIVISION I—PENSION FOR SPOUSE
 - DIVISION II—CHILD BENEFIT

PART I**PART VI—ADJUSTMENT OF PENSIONS****DIVISION I—PENSIONERS UNDER REPEALED ACT****DIVISION II—FUTURE ADJUSTMENT****PART VII—MISCELLANEOUS****THE SCHEDULES****Repeal.**

4. The Acts specified in the first schedule to this Act are repealed.

Interpretation.

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

“additional salary” in relation to a member, means additional salary received by virtue of any ministerial office or by virtue of being an officer of Parliament and includes any other remuneration payable to a member, for the time being declared by proclamation to be additional salary for the purposes of this Act:

“child benefit” means child benefit payable pursuant to Division II of Part V of this Act:

“contribution” means any contribution paid by a member to the Fund pursuant to the repealed Act or pursuant to this Act:

“determination day” in relation to a pension payable to—

(a) a former member, means the day on which that pension first became payable;

(b) the spouse of a deceased member, means the day on which that pension first became payable;

and

(c) the spouse of a member pensioner, means the day on which the pension of that member pensioner first became payable,

whether, in any case, that day occurred before, on or after the commencement of this Act:

“eligible child” means the child or adopted child—

(a) of a deceased member or deceased member pensioner;

or

(b) of the spouse of a deceased member or deceased member pensioner, not being a child—

(i) born of a pregnancy that commenced after the death of the member or pensioner;

or

(ii) adopted after the death of the member or pensioner;

who—

(c) has not attained the age of sixteen years;

or

(d) having attained that age, has not attained the age of twenty-five years, and is in full time attendance at an educational institution recognized by the Trustees for the purposes of this Act:

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

“member pensioner” means a former member who is entitled to a pension under this Act notwithstanding that at the material time payment of that pension may be suspended:

“notional pension”—

(a) in relation to a deceased member means the amount of pension that would have been payable to that deceased member on the day, in relation to which the expression is used if—

(i) on the day that he died he had retired in the circumstances referred to in section 18 of this Act;

and

(ii) he had been alive and in receipt of a pension on the day in relation to which the expression is used;

and

(b) in relation to a deceased member pensioner means the amount of pension that would have been payable to that pensioner if he had been alive and in receipt of pension on the day in relation to which the expression is used:

“pension day” in relation to a pension means the day on which a periodical payment of that pension is usually made:

“salary” means basic salary as defined for the purposes of the Parliamentary Salaries and Allowances Act, 1965-1966:

“service” in relation to a member, means his service as a member as determined by the rules set out in section 7 of this Act:

“spouse”—

(a) in relation to a member, means a person who is lawfully married to that member;

and

(b) in relation to a member pensioner, means a person who is lawfully married to that pensioner and was so married to that pensioner when that pensioner was a member:

“spouse pension” means—

(a) a pension payable to the widow or widower of a member or former member under the repealed Act that was so payable immediately before the commencement of this Act;

or

(b) a pension payable to the spouse of a deceased member or deceased member pensioner and first payable on or after the commencement of this Act:

“the Fund” means the Parliamentary Superannuation Fund continued in existence by this Act:

PART I

“the repealed Act” means the Parliamentary Superannuation Act, 1948, as from time to time in force:

“the Trustees” means the Trustees for the time being of the Fund.

(2) The Governor may by proclamation declare any remuneration payable to a member to be additional salary for the purposes of this Act and the Governor may by proclamation amend, vary or revoke any such declaration.

Voluntary and
involuntary
retirement.

6. (1) Where an election occurs and a member who was a member immediately before the dissolution, if any, of the House that occurred for the purposes of that election—

(a) stands as a candidate at that election and is defeated;

(b) being a member of a political party, offers himself for and fails to secure endorsement as a candidate of that party for that election;

or

(c) satisfies a judge that there are good and sufficient reasons why he should not offer himself as a candidate for that election,

that member shall, for the purposes of this Act, be deemed to have retired involuntarily.

(2) For the purposes of this Act a member shall be deemed to have retired involuntarily if—

(a) he 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 so stands for election;

or

(b) he ceases to be a member on the expiration of his term of office and not later than the next general election for the Parliament of another State or the Parliament of the Commonwealth stands for election for either of those Parliaments.

(3) Where a member ceases to be a member otherwise than—

(a) by death;

(b) by retirement in circumstances specified in section 18 of this Act;

or

(c) in circumstances referred to in subsection (1) or (2) of this section,

that member shall, for the purposes of this Act, be deemed to have retired voluntarily.

(4) In this section “judge” means a judge of the Supreme Court nominated by the Governor as a judge who shall deal with matters arising under this section.

Computation of
service.

7. In computing the length of a member’s service the following rules shall be observed—

(a) if a member is elected to Parliament between the twenty-eighth day of February and the first day of August in any year, except in the case of such a member elected to fill a casual vacancy, his service shall be reckoned from the first day of March of that year;

(b) if a member ceases to be a member of Parliament by reason of a dissolution taking place within two months before the expiration of the House of Assembly by effluxion of time, his service shall be deemed to continue until the day on which the House of Assembly would have so expired;

- (c) service whether occurring before or after the commencement of this Act shall be taken into account;
- (d) broken periods of service shall, except as is provided by section 20 or section 36 of this Act, not be aggregated;
- and
- (e) except as is provided in the preceding paragraphs of this section, only the actual service of a member shall be regarded as service.

PART IIPART II

ADMINISTRATION

DIVISION I—THE FUND

DIVISION I

8. (1) The Fund established under section 4 of the repealed Act shall continue in existence under the name "The Parliamentary Superannuation Fund".

Continuation of
the Fund.

(2) The Fund shall continue to consist of—

- (a) contributions paid by members pursuant to the repealed Act or this Act;
- (b) moneys paid into the Fund by the Treasurer pursuant to the repealed Act or this Act;

and

- (c) all interest and other income earned by the investment of the Fund or any part thereof.

(3) For the purposes of the Fund, the Trustees may borrow money from the Treasurer and, with the consent of the Treasurer, from any person.

(4) Any liability incurred with the consent of the Treasurer referred to in subsection (3) of this section is hereby guaranteed by the Treasurer.

(5) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (4) of this section shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly.

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

9. The Treasurer may make available to the Trustees the services of any Officer as defined in the Public Service Act, 1967-1973, for the purposes of assisting the Trustees in the exercise of their powers and functions under this Act.

Officers to
assist Trustees.

PART II
DIVISION I
Investment of
the Fund.

10. The Trustees may invest the Fund or any part thereof in such investments as the Trustees think proper.

Accounts and
audit.

11. (1) The Trustees shall keep complete and proper accounts in relation to their financial transactions.

(2) In each year the accounts of the Trustees shall be audited by the Auditor-General and a copy of the accounts, together with a report of the Auditor-General, shall be laid before both Houses of Parliament.

Exemption from
State tax.

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

DIVISION II

DIVISION II—THE TRUSTEES

Continuation of
body corporate.

13. (1) The body corporate under the name "The Trustees of the Parliamentary Superannuation Fund" constituted of the Trustees and established under section 3 of the repealed Act shall continue in existence.

(2) The persons for the time being holding the offices of President of the Legislative Council, Speaker of the House of Assembly and Under Treasurer shall continue to constitute the body corporate.

(3) The Trustees shall continue to be a body corporate with perpetual succession and a common seal and shall have power to hold property of all kinds for the purposes of this Act.

(4) If the President of the Legislative Council or the Speaker of the House of Assembly ceases to be a member by reason of the expiration of his term of office as a member he shall, subject to subsection (5) of this section, continue to be a Trustee until his successor is appointed.

(5) Notwithstanding anything in subsection (4) of this section where the President of the Legislative Council or the Speaker of the House of Assembly is not re-elected as a member he may resign his office as Trustee.

(6) If at any time a vacancy occurs in the office of Trustee the Governor may appoint a temporary Trustee to hold office as Trustee until the vacancy is filled by the person designated by this section to hold office.

(7) Meetings of the Trustees shall be conducted in accordance with such procedure as the Trustees determine and a decision concurred in by not less than two Trustees shall be binding on the Trustees.

PART III
CONTRIBUTIONS

PART III

14. (1) Every member shall contribute to the Fund.

Contributions
by members.

(2) On or after the commencement of this Act every member shall contribute to the Fund at the rate of eleven and one-half per centum of his salary.

(3) Any member who is in receipt of additional salary may by notice in writing to the Trustees elect to contribute to the Fund at the rate of eleven and one-half per centum of that additional salary and may at any time discontinue such contributions.

(4) The contributions payable under this section shall be deducted by the Treasurer in instalments from every amount of salary or additional salary payable to the member and the amounts so deducted shall be paid by the Treasurer into the Fund.

15. The Treasurer shall also pay into the Fund—

Contributions
by Treasurer.

(a) not later than fourteen days after the end of each month, a sum equal to the contributions paid or payable during that month pursuant to section 14 of this Act;

and

(b) not later than three months after the end of each financial year, such additional sums as the Public Actuary considers to be necessary in order to make provision for payment out of the Fund of benefits payable under this Act.

PART IV

PART IV

PENSION AND BENEFITS FOR FORMER MEMBERS

DIVISION I—ENTITLEMENT TO PENSION

DIVISION I

16. A former member who—

Entitlement
to a pension
on retirement.

(a) has retired involuntarily—

(i) having had not less than eight years' service;

or

(ii) having been a member of not less than three Parliaments and having had not less than six years' service;

(b) has retired voluntarily—

(i) having had not less than fifteen years' service;

or

PART IV
DIVISION I

(ii) having been a member of not less than five Parliaments and having had not less than thirteen years' service;

or

(c) having attained the age of sixty years, has retired voluntarily—

(i) having had not less than eight years' service;

or

(ii) having been a member of not less than three Parliaments and having had not less than six years' service,

shall, on and from the day next succeeding the day on which he retired, be entitled to a pension for life in an amount calculated by reference to section 17 of this Act.

Amount of
pension on
retirement.

17. (1) Subject to subsection (2) of this section, the amount of annual pension payable to a former member referred to in section 16 of this Act shall be an amount equal to forty-one and two-tenths per centum of the salary payable to him immediately before he ceased to be a member plus two-tenths of one per centum of that salary for each whole month of the member's service, as exceeds eight years' service but in any case not exceeding seventy per centum of that salary.

(2) Where a former member has made an election pursuant to subsection (3) of section 14 of this Act the amount of annual pension payable to that former member shall be determined by reference to the following formula:—

$$P = BP \times \frac{(CRA + CTA)}{(CRA + BCTA)}$$

where—

P = the annual pension payable to the former member expressed in dollars and cents

BP = the annual pension expressed in dollars and cents, that would, but for this subsection, be payable to the former member

CRA = the total contributions paid to the Fund by the former member pursuant to the repealed Act

CTA = the total contributions paid to the Fund by the former member pursuant to this Act

BCTA = the total contributions paid to the Fund in respect of his salary (that is to say not being contributions made pursuant to an election under subsection (3) of section 14 of this Act) pursuant to this Act.

Invalidity
retirement and
amount of
pension.

18. (1) Where a member satisfies a judge that he is unable to continue as a member on the grounds of invalidity, that member shall on and from the day next succeeding the day on which he so satisfies that judge be entitled to an annual pension for life ascertained by reference to subsection (2) of this section.

(2) The amount of annual pension referred to in subsection (1) of this section shall be—

(a) in the case of a member who had less than eight years' service, the amount of annual pension that he would have received ascertained by reference to section 17 of this Act if on the day on which he so satisfied the judge he had retired involuntarily having on that day attained eight years' service;

or

(b) in any other case, the amount of annual pension ascertained by reference to section 17 of this Act that he would have received if on the day on which he so satisfied the judge he had retired involuntarily.

(3) In this section "a judge" means a judge of the Supreme Court nominated by the Governor as a judge who shall deal with matters arising under this section.

19. (1) If a member pensioner is or becomes a member of the Parliament of any other State or of the Commonwealth or a Judge as defined for the purposes of the Judges' Pensions Act, 1971-1972, and as a consequence—

Suspension of
pension.

(a) he receives any salary or allowance in the nature of salary;

or

(b) he, his spouse or a person who is an eligible child in relation to him receives any pension or benefit,

and if—

(c) the salary, allowance, pension or benefit referred to in paragraph (a) or (b) of this subsection received is equal to or exceeds the amount of pension or benefit payable to or in relation to him pursuant to this Act, the pension or benefit under this Act shall not be payable so long as that salary, allowance, pension or benefit is received;

or

(d) the salary, allowance, pension or benefit referred to in paragraph (a) or (b) of this subsection received is less than the amount of pension or benefit payable to or in relation to him pursuant to this Act, the pension or benefit under this Act shall so long as that salary, allowance, pension or benefit is received be reduced by the amount of that salary, allowance, pension or benefit.

(2) A member pensioner referred to in subsection (1) of this section may by notice in writing to the Trustees require the Trustees to pay to him out of the Fund an amount ascertained by reference to the following formula:—

$$A = [TC (1 + .03 [N - 1])] - [P]$$

where—

A = the amount expressed in dollars and cents

PART IV
DIVISION I

TC = the total contributions expressed in dollars and cents paid to the Fund by the member pensioner under this Act or under the repealed Act other than any such contributions that have been refunded to the member pensioner and have not been repaid

N = the number of whole years service of the member pensioner

P = the total of all pensions or benefits received by the member pensioner under this Act and under the repealed Act

and upon payment of that amount that member pensioner and any person claiming through him shall not be entitled to any further pension or benefit under this Act.

Cessation of pension.

20. (1) If a member pensioner again becomes a member of either House of Parliament, the pension payable to that pensioner shall cease and determine.

(2) The previous service of a member whose pension has ceased and determined pursuant to subsection (1) of this section shall be counted as service for the purpose of this Act.

DIVISION II

Commutation of pension.

DIVISION II—COMMUTATION OF PENSION

21. (1) A member pensioner may, within three months of becoming entitled to a pension under this Act, by notice in writing to the Trustees elect to commute a percentage of that pension, not exceeding the maximum percentage of that pension ascertained by reference to the second schedule to this Act.

(2) Where a member pensioner elects to commute a percentage of his pension pursuant to subsection (1) of this section the Trustees shall out of the Fund pay to the member pensioner an amount equal to ten dollars for each dollar of annual pension so commuted.

(3) On and after the receipt of the amount referred to in subsection (2) of this section by the member pensioner the amount of pension payable to that pensioner shall be reduced by the amount of pension commuted.

DIVISION III

Benefit where no pension available.

DIVISION III—OTHER BENEFITS

22. Where a member ceases to be a member and no pension or other benefit under this Act is payable to or in relation to that former member then there shall be payable from the Fund to that former member or, as the case requires, to the legal personal representative of that former member a sum calculated by reference to the following formula:—

$$A = TC [1 + \cdot 03 (N - 1)]$$

where—

A = the amount expressed in dollars and cents

TC = the total contributions expressed in dollars and cents paid to the Fund by the former member under this Act or under the repealed Act other than any such contributions that have been refunded to the former member and have not been repaid

N = the number of whole years of service of the former member

PART IV
DIVISION III

23. Where a member or former member is dead and the Trustees are satisfied that no pension or benefit is payable or no further pension or benefit is payable to any spouse or person who is or may become an eligible child in relation to that member or former member and the total contributions paid by that member or former member under this Act and under the repealed Act exceed the total benefits paid under either of those Acts in relation to that member or former member then there shall be payable out of the Fund to the legal personal representative of that deceased member or former member the amount by which those contributions exceed those benefits.

Provision
where
contributions
exceed
benefits.

PART V

PENSION FOR SPOUSE AND CHILD BENEFIT

PART V

DIVISION I—PENSION FOR SPOUSE

DIVISION I

24. (1) Where on or after the commencement of this Act, a member pensioner dies there shall be payable to the spouse of that former member pensioner—

Pension for
spouse of
deceased
pensioner.

(a) an annual pension equal to seventy-five per centum of the notional pension of that pensioner on the day that he died;

or

(b) an annual pension equal to the prescribed amount,

whichever pension is the greater.

(2) In this section the prescribed amount means—

(a) where the member pensioner had commuted a percentage of his pension, an amount ascertained by reference to the following formula:—

$$A = \frac{(100 - P) \times S}{100}$$

where—

A = the amount expressed in dollars and cents

P = the percentage of the pension so commuted

S = forty per centum of the annual salary of the member pensioner immediately before he became a pensioner;

and

(b) where the member pensioner had not commuted a percentage of his pension, an amount equal to forty per centum of the annual salary of the member pensioner immediately before he became a pensioner.

25. Where on or after the commencement of this Act, a member dies, there shall be payable to the spouse of that member—

Pension for
spouse of
deceased
member.

(a) an annual pension equal to seventy-five per centum of the pension that would have been payable to the former member pensioner if, on the day that he died, he had retired in the circumstances referred to in section 18 of this Act;

or

PART V
DIVISION I

(b) an annual pension equal to forty per centum of the salary payable to that deceased member immediately before he died,

whichever pension is the greater.

Suspension of spouse pension.

26. (1) A spouse pension payable under this Division shall not be payable during the existence of a subsequent marriage of the spouse but shall again become payable when any such spouse ceases to be so married.

(2) Where pursuant to subsection (1) of this section a spouse pension again becomes payable it shall be payable at the rate that it would have been payable had it not ceased to be payable.

DIVISION II

Determination of child benefit.

DIVISION II—CHILD BENEFIT

27. For the purposes of section 28 and section 29 of this Act the amount of child benefit for each eligible child deriving his entitlement for a child benefit from a member or member pensioner shall be determined—

(a) on each occasion on which a person becomes entitled to a child benefit derived from that member or pensioner;

(b) on the number of persons entitled to a child benefit derived from that member or pensioner diminishing;

or

(c) on each occasion on which pensions are adjusted pursuant to section 35 of this Act.

Child benefit, general.

28. (1) Except as is provided in section 29 of this Act there shall be payable in respect of each person who becomes an eligible child in relation to a deceased member or deceased member pensioner a child benefit ascertained in the manner provided by subsection (2) of this section.

(2) The child benefit referred to in subsection (1) of this section shall, subject to subsection (3) of this section, be a payment in respect of each eligible child of an amount—

(a) in the case of one or two eligible children, equal to one-third of the prescribed amount;

and

(b) in the case of three or more such eligible children, equal to the prescribed amount divided by the number of eligible children.

(3) In this section the “prescribed amount” is an amount equal to the difference between the amount of the notional pension of the deceased member or member pensioner from whom the entitlement to a child benefit is derived and the amount of the spouse pension payable to the spouse of the deceased member or deceased member pensioner.

Child benefit where no spouse's pension payable.

29. (1) There shall be payable in respect of each person who becomes an eligible child in relation to a deceased member or deceased member pensioner, where a pension deriving from that deceased member or deceased pensioner is not payable to the spouse of that member or pensioner owing to the death of that spouse, a child benefit ascertained in the manner provided by subsection (2) of this section.

(2) The child benefit referred to in subsection (1) of this section shall, subject to subsection (3) of this section, be a payment in respect of each such eligible child of an amount—

- (a) in the case of one eligible child, equal to forty-five per centum of the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived;
- (b) in the case of two such eligible children, equal to forty per centum of the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived;
- (c) in the case of three such eligible children, equal to thirty per centum of the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived;

and

- (d) in the case of four or more such eligible children, equal to the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived divided by the number of such children.

30. Any amount payable by way of child benefit under this Division shall be payable—

To whom
child benefit
payable.

- (a) to the spouse, if any, of the deceased member or deceased member pensioner;
 - (b) to the eligible child;
- or
- (c) to some other person,

as the Trustees in their discretion determine.

31. A child benefit under this Division shall cease to be payable in respect of a person who is an eligible child on that person ceasing to be an eligible child.

Cessation of
child benefit.

PART VI

ADJUSTMENT OF PENSIONS

DIVISION I—PENSIONERS UNDER REPEALED ACT

PART VI

DIVISION I

32. Subject to this Act, every pension that was payable under the repealed Act immediately before the commencement of this Act shall continue to be payable under this Act.

Pensions to
continue.

PART VI

DIVISION I

Spouse pensions continued.

33. (1) A spouse pension continued under section 32 of this Act shall not be payable during the existence of any subsequent marriage of the spouse but shall again be payable on any such spouse ceasing to be so married.

(2) Where pursuant to subsection (1) of this section a spouse pension again becomes payable it shall be payable at the rate that it would have been payable had it not ceased to be payable.

Suspension of certain pensions.

34. Where a former member became entitled to a pension under the repealed Act and by reason of subsection (2) of section 14 of that Act that former member was not entitled to receive that pension until he attained the age of fifty years and immediately before the commencement of this Act—

(a) that former member has not attained the age of fifty years;

and

(b) that former member has not elected to receive a refund of his contributions to the Fund,

that former member shall on and after the commencement of this Act be entitled to receive a pension for life at a rate equal to the rate that would have been payable if on the day on which he had been entitled to that pension he had received that pension.

DIVISION II

Adjustment of pensions.

DIVISION II—FUTURE ADJUSTMENT

35. (1) In this section—

“adjustment percentage” in relation to a prescribed pension day, means the adjustment percentage, if any, declared for that prescribed pension day:

“June quarter” in relation to a year means the period commencing on and including the first day of April of that year and concluding on and including the thirtieth day of June in that year:

“prescribed pension day” means the first pension day in the month of October, 1974, and the first pension day in the month of October in each succeeding year:

“the Index” means the Consumer Price Index (All groups index for Adelaide) published by the Commonwealth Statistician under the *Census and Statistics Act 1905* of the Commonwealth as amended from time to time and includes any Act passed in substitution therefor.

(2) As soon as practicable after the end of the June quarter of 1974 and as soon as practicable after the end of the June quarter in each succeeding year the Public Actuary shall by certificate in writing to the Minister state the percentage calculated to two decimal places by which the Index for that June quarter is greater or less than the Index for the June quarter of the year immediately preceding the year in respect of which the certificate is given.

(3) On receipt of a certificate under subsection (2) of this section, in which it is stated that the percentage is equal to or greater than one per centum, the Minister shall by notice published in the *Gazette* declare the adjustment percentage, for the prescribed pension day next following the June quarter in respect of which the certificate was given, to be the percentage stated in that certificate and the Minister shall state whether the adjustment percentage shall be applied so as to reduce or increase pensions.

(4) Where the percentage stated in the certificate under subsection (2) of this section is less than one per centum no adjustment percentage shall be declared by the Minister for the prescribed pension day next following the June quarter in respect of which the certificate was given.

(5) In any year that next follows a year in respect of which no adjustment percentage was declared, the certificate of the Public Actuary shall state the percentage by which the Index for the June quarter is greater or less than the Index for the June quarter of the year in relation to which an adjustment percentage was last declared and for the purposes of this section such a certificate shall be deemed to be a certificate under subsection (2) of this section.

(6) Subject to subsection (7) of this section, on and from each prescribed pension day the amount of each pension—

- (a) that had a determination day that occurred on or before the thirtieth day of September of the year next preceding the year in which the prescribed pension day occurs, shall be increased, or as the case may be, decreased, by the adjustment percentage declared for that prescribed pension day;
- (b) that had a determination day that occurred, on or after the first day of October of the year next preceding the year in which the prescribed pension day occurs and on or before the thirty-first day of December in that year, shall be increased, or as the case may be, decreased, by three-quarters of the adjustment percentage declared for that prescribed pension day;
- (c) that had a determination day that occurred on or after the first day of January in the year in which the prescribed pension day occurs and on or before the thirty-first day of March in that year, shall be increased, or as the case may be, decreased, by one-half of the adjustment percentage declared for that prescribed pension day;

and

- (d) that had a determination day that occurred on or after the first day of April in the year in which the prescribed pension day occurs and on or before the thirtieth day of June of that year shall be increased, or as the case may be, decreased, by one-quarter of the adjustment percentage declared for that prescribed pension day.

(7) Subsection (6) of this section shall not have effect so as to reduce the amount of any pension that had a determination day that occurred before the commencement of this Act to an amount less than the amount of—

- (a) in the case of the pension payable to a member pensioner payable before the commencement of this Act, the pension so payable on the commencement of this Act;

or

- (b) in the case of the pension payable to the spouse of a deceased member or deceased member pensioner first payable before the commencement of this Act, the pension so payable on the commencement of this Act.
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PART VII

PART VII

MISCELLANEOUS

Former member again becoming member.

36. (1) Where a former member has received a payment under section 22 of this Act or a refund under section 18 of the repealed Act and that former member again becomes a member then—

(a) that former member shall, within three months after again becoming such a member or within such further period as the Trustees may allow, repay to the Fund the amount so paid or refunded;

and

(b) upon such payment being made the previous service of that former member in respect of which that payment was made shall be counted as service for the purposes of this Act.

(2) Where a former member, not being a former member referred to in subsection (1) of this section or a member pensioner, again becomes a member the previous service of that former member shall be counted as service for the purposes of this Act.

(3) Where a member pensioner again becomes a member, that member pensioner—

(a) shall within three months after again becoming such a member, or within such further period as the Trustees may allow, repay to the Fund an amount equal to the prescribed amount;

and

(b) upon such payment being made, the previous service of that member pensioner in respect of which that payment was made shall be counted as service for the purposes of this Act.

(4) In subsection (3) of this section—

“member pensioner” means a member pensioner who has been paid an amount pursuant to subsection (2) of section 21 of this Act:

“prescribed amount” in relation to a member pensioner means an amount determined by reference to the following formula:—

$$A = C - (P - LP)$$

where—

A = the amount expressed in dollars and cents

C = the amount received by the member pensioner pursuant to subsection (2) of section 21 of this Act

P = the total amount of pension that the member pensioner would have received in respect of the prescribed period if he had not made an election under subsection (1) of section 21 of this Act in relation to that period

LP = the total amount of pension that the member pensioner received in respect of the prescribed period:

“prescribed period” means the period commencing on and including the day on which the member pensioner last became a member pensioner and concluding on and including the day on which the member pensioner again became a member.

(5) In this section a reference to a former member or member pensioner who again becomes a member shall be read as including a reference to a former member who again becomes a member before the commencement of this Act.

37. (1) Payment of annual pensions and child benefit under this Act shall be by means of equal periodical payments made on the fifteenth and last days of each month. Payment of pensions.

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

38. Pensions and other rights under this Act shall not be assigned, charged or pass by operation of law. Pensions not assignable.

39. (1) The moneys which the Treasurer is required by this Act to pay into the Fund shall be payable out of the General Revenue of the State which is hereby to the necessary extent appropriated accordingly. Financial provision

(2) The costs of the administration of this Act shall be paid out of the Fund.

40. 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.

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

M. L. OLIPHANT, Governor

s. 4.

THE FIRST SCHEDULE

Parliamentary Superannuation Act, 1948
 Parliamentary Superannuation Act Amendment Act, 1949
 Parliamentary Superannuation Act Amendment Act, 1953
 Parliamentary Superannuation Act Amendment Act, 1957
 Parliamentary Superannuation Act Amendment Act, 1960
 Parliamentary Superannuation Act Amendment Act, 1962
 Parliamentary Superannuation Act Amendment Act, 1963
 Parliamentary Superannuation Act Amendment Act, 1965
 Parliamentary Superannuation Act Amendment Act, 1969
 Parliamentary Superannuation Act Amendment Act, 1970
 Parliamentary Superannuation Act Amendment Act, 1971
 Parliamentary Superannuation Act Amendment Act, 1972
 Parliamentary Superannuation Act Amendment Act, 1973

s. 21.

THE SECOND SCHEDULE

TABLE SHOWING MAXIMUM PERCENTAGE OF PENSION THAT MAY BE COMMUTED

Age of member pensioner on birthday next following day on which he enters upon pension	Maximum Percentage
45 years or less	75%
46 years	72½%
47 years	70%
48 years	67½%
49 years	65%
50 years	62½%
51 years	60%
52 years	57½%
53 years	55%
54 years	52½%
55 years	50%
56 years	46%
57 years	42%
58 years	38%
59 years	34%
60 years or more	30%