

South Australia



**PARLIAMENTARY SUPERANNUATION (NEW SCHEME)
AMENDMENT ACT 1995**

No. 59 of 1995

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 5—Interpretation
4. Amendment of s. 6—Voluntary and involuntary retirement
5. Amendment of s. 14—Contributions by members
6. Amendment of s. 16—Entitlement to a pension on retirement
7. Amendment of s. 17—Amount of pension for old scheme member pensioners
8. Insertion of ss. 17A and 17B
 - 17A. Amount of pension for new scheme member pensioners
 - 17B. Supplementary provisions
9. Amendment of s. 18—Invalidity retirement
10. Amendment of s. 19—Reduction of pension in certain circumstances
11. Insertion of s. 19A
 - 19A. Preservation of pension in certain circumstances
12. Amendment of s. 21—Commutation of pension
13. Amendment of s. 21a—Application of s. 21 to certain member pensioners
14. Insertion of s. 21B
 - 21B. Interpretation
15. Amendment of s. 22—Other benefits under the old scheme
16. Insertion of s. 22A
 - 22A. Other benefits under the new scheme
17. Amendment of s. 24—Pension for spouse of deceased old scheme member pensioner
18. Amendment of s. 25—Pension for spouse of deceased old scheme member
19. Insertion of ss. 25A, 25B and 25C
 - 25A. Pension for spouse of new scheme member pensioner
 - 25B. Pension for spouse of deceased new scheme member
 - 25C. Interpretation
20. Insertion of Part 5 Division 1A
 - DIVISION 1A—COMMUTATION OF SPOUSE
PENSION**
 - 26AA. Commutation of pension
21. Amendment of s. 26A—Certain former members deemed members at time of death
22. Amendment of s. 31a—Benefits payable to estate

- 23. Substitution of s. 35
 - 35. Adjustment of pensions
- 24. Insertion of Part 6A

PART 6A
TRANSFERENCE FROM THE OLD SCHEME TO
THE NEW SCHEME

- 35A. Transference
- 25. Amendment of s. 36—Pensions as to previous service
- 26. Insertion of ss. 36A and 36B
 - 36A. Division of benefit where deceased member is survived by lawful and putative spouses
 - 36B. Power to obtain information
- 27. Insertion of third schedule



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 59 of 1995

An Act to amend the Parliamentary Superannuation Act 1974.

[Assented to 3 August 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Parliamentary Superannuation (New Scheme) Amendment Act 1995*.

(2) The *Parliamentary Superannuation Act 1974* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 5—Interpretation

3. Section 5 of the principal Act is amended—

- (a) by striking out the definition of "**determination day**" in subsection (1);
- (b) by inserting after the definition of "**eligible child**" in subsection (1) the following definitions:

"former new scheme member" means a person who was a new scheme member immediately before ceasing to be a member;

"former old scheme member" means a person who was an old scheme member immediately before ceasing to be a member;;
- (c) by inserting after "may be suspended" in the definition of "**member pensioner**" in subsection (1) "or the pension may be preserved under this Act";

Parliamentary Superannuation (New Scheme)

No. 59 of 1995

Amendment Act 1995

- (d) by inserting after the definition of "member pensioner" in subsection (1) the following definitions:

"new scheme member" means a member who first became a member of either House of Parliament of the State on or after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* and includes a person who was an old scheme member who has transferred to the new scheme;

"new scheme member pensioner" means a member pensioner who was a new scheme member immediately before ceasing to be a member;;

- (e) by inserting after the definition of "notional pension" in subsection (1) the following definitions:

"old scheme member" means a member who first became a member of either House of Parliament of the State before the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* but does not include a person who has transferred to the new scheme;

"old scheme member pensioner" means a member pensioner who was an old scheme member immediately before ceasing to be a member;;

- (f) by striking out the definition of "spouse" in subsection (1) and substituting the following definition:

"spouse" includes a putative spouse;.

- (g) by inserting after the definition of "spouse pension" in subsection (1) the following definition:

"State" includes a Territory of the Commonwealth.

Amendment of s. 6—Voluntary and involuntary retirement

4. Section 6 of the principal Act is amended by striking out from paragraphs (a) and (b) of subsection (1) ", the Northern Territory".

Amendment of s. 14—Contributions by members

5. Section 14 of the principal Act is amended—

- (a) by striking out from subsection (2) "Contributions" and substituting "Subject to subsection (3), contributions";

- (b) by inserting after subsection (2) the following subsection:

(3) The contribution payable by a member whose period of service is equal to or exceeds 20 years and one month is 5.75 per cent of the member's basic salary and 11.5 per cent of the member's additional salary (if any).

Amendment of s. 16—Entitlement to a pension on retirement

6. Section 16 of the principal Act is amended by striking out "to section 17" and substituting "to this Division".

**Parliamentary Superannuation (New Scheme)
Amendment Act 1995**

No. 59 of 1995

Amendment of s. 17—Amount of pension for old scheme member pensioners

7. Section 17 of the principal Act is amended—

- (a) by striking out from subsection (1) "former member" and substituting "former old scheme member";
- (b) by striking out from subsection (2) "former member" first occurring and substituting "former old scheme member";
- (c) by striking out subsections (2a), (3) and (4).

Insertion of ss. 17A and 17B

8. The following sections are inserted after section 17 of the principal Act:

Amount of pension for new scheme member pensioners

17A. (1) Subject to this section, the amount of the annual pension payable to a former new scheme member referred to in section 16 is—

- (a) 41.2 per cent of the salary payable to the former member immediately before he or she ceased to be a member plus 0.2 per cent of that salary for each completed month of service in addition to the first six years of service of the former member; and
- (b) where the former member held a prescribed office at any time during his or her service—a percentage, calculated in accordance with the following formula, of the additional salary (expressed as an annual amount) payable in respect of the prescribed office on the date of the former member's retirement:

$$P = 6.25 \times \frac{M}{12}$$

Where—

P is the percentage of the additional salary

M is the number of complete months during which the former member held the prescribed office.

(2) Where—

- (a) a former new scheme member had been a member of the Parliament of another State or the Commonwealth before becoming a member of the South Australian Parliament; and

- (b) the former member is entitled to a pension in respect of his or her service as a member of that other Parliament,

the former member's period of service as a member of that other Parliament will be counted as service for the purposes of section 16 and the amount of the annual pension (if any) payable to the former new scheme member under this Act will be—

- (c) 0.2 per cent of the salary payable to the former member immediately before he or she ceased to be a member for each completed month of the member's service in the South Australian Parliament; and
- (d) where the former member held a prescribed office at any time during his or her service in the South Australian Parliament—a percentage, calculated in accordance with the formula in subsection (1)(b), of the additional salary (expressed as an annual amount) payable in respect of the prescribed office on the date of the former member's retirement.

(3) If the former member held two or more prescribed offices during his or her service, the pension under subsection (1) or (2) will include a percentage of the additional salary payable in respect of each office calculated under subsection (1)(b).

(4) The component of the pension determined under subsection (1)(a) or (2)(c) cannot exceed 75 per cent of the former member's salary immediately before he or she ceased to be a member.

(5) The component of the pension determined under subsection (1)(b) or (2)(d) cannot exceed 75 per cent of the additional salary payable in respect of the prescribed office on the date of the former member's retirement but, if the former member held two or more such offices, the component cannot exceed 75 per cent of the highest of the salaries attached to those offices on the date of the former member's retirement.

(6) Where, in relation to a particular period—

- (a) a new scheme member pensioner who has not reached the age of 60 years is receiving, or would but for this subsection be entitled to receive, a pension under this section; and
- (b) the pensioner is also receiving or entitled to receive income from remunerative activities engaged in by the pensioner or another person is receiving or entitled to receive income from remunerative activities engaged in by the pensioner,

the pension payable in respect of that period will be reduced by one dollar for each two dollars of income referred to in paragraph (b).

(7) In the application of subsection (6), income that does not comprise money will be taken to have the monetary value determined by the Board.

(8) In this section—

"income" includes goods, services and any other thing of value;

"remunerative activity" engaged in by a pensioner means an activity of the pensioner that produces income for the benefit of the pensioner or for the benefit of another person either at the pensioner's direction or by means of a company, trust or other device used by the pensioner to direct the income to the other person.

Supplementary provisions

17B. (1) If a member held a prescribed office during the member's period of service and the prescribed office does not exist on the date of the member's retirement, the rate of additional salary applicable to that office on that date for the purposes of this Division will be taken to be a rate of salary determined by the Board having regard to the rate of additional salary last applicable to that office before the date of retirement of the member and the movements (if any) in salaries and additional salaries up to the date of retirement of the member.

(2) If—

- (a) a member held a prescribed office during the member's period of service; and
- (b) the additional salary payable in respect of that prescribed office is, in comparison with the additional salaries payable in respect of other prescribed offices, proportionately less on the date of the member's retirement than it was at any time at which the member actually held that office; and
- (c) the Board is of the opinion that a determination under this subsection is necessary in order to avoid substantial injustice,

the rate of additional salary applicable to that office on the date of the member's retirement for the purposes of this Division will be taken to be the rate of salary determined by the Board on the assumption that the additional salary in question had not been reduced in comparison to additional salaries payable in respect of other prescribed offices.

Amendment of s. 18—Invalidity retirement

9. Section 18 of the principal Act is amended by striking out "section 17" from paragraphs (a) and (b) of subsection (2) and substituting, in each case, "section 17 or 17A".

Amendment of s. 19—Reduction of pension in certain circumstances

10. Section 19 of the principal Act is amended—

- (a) by striking out from subsection (2) "Where" and substituting "Subject to subsections (2a) and (2b), where";
- (b) by inserting after subsection (2) the following subsections:

(2a) A pension payable under section 17A(2) to a former new scheme member and a pension or child benefit payable under this Act to such a former member's spouse or child or to any other person in relation to such a former member will not be reduced under subsection (2) because of the pension payable to, or in relation to, the former member in respect of his or her service as a member of the other Parliament referred to in section 17A(2).

(2b) A pension payable under this Act to a member pensioner to whom section 19A applies and the pension or child benefit payable under this Act to the spouse or child of such a member pensioner or to any other person in relation to such a member pensioner will not be reduced under subsection (2).

Insertion of s. 19A

11. The following section is inserted after section 19 of the principal Act:

Preservation of pension in certain circumstances

19A. (1) This section applies to, and in relation to, a member pensioner if the member pensioner—

- (a) is deemed to have retired (whether before or after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995*) involuntarily because of election to the Parliament of another State or the Commonwealth; and
- (b) —
 - (i) the superannuation scheme available to the member pensioner as a member of that other Parliament does not provide for the member pensioner to be credited with his or her service as a member of the South Australian Parliament; or
 - (ii) the superannuation scheme available to the member pensioner as a member of that other Parliament provides for the member pensioner to make an election under which he or she will not be credited with that service and the member pensioner makes that election.

(2) If a member pensioner to whom this section applies has not reached the age of 55 years at the time of his or her retirement or at the time of making the election referred to in subsection (1)(b)(ii), the pension payable to the pensioner under this Act is preserved.

(3) Where a pension is preserved by subsection (2) the following provisions apply:

- (a) the member pensioner may, at any time after reaching the age of 55 years, require the Board to commence paying the pension to the member pensioner and if no such requirement has been made on or before the date on which the member pensioner reaches 60 years of age, the Board will commence payment of the pension;
- (b) if the member pensioner satisfies the Board that he or she has ceased to be a member of the Parliament referred to in subsection (1), the Board will commence payment of the pension,

(and a payment under paragraph (a) or (b) excludes further rights so that a claim cannot be subsequently made under the other paragraph.)

Amendment of s. 21—Commutation of pension

12. Section 21 of the principal Act is amended—

- (a) by striking out from subsection (1) "former member" and substituting "former old scheme member";

**Parliamentary Superannuation (New Scheme)
Amendment Act 1995**

No. 59 of 1995

(b) by striking out subsections (1a) and (1b) and substituting the following subsections:

(1a) Subject to this Division, a former new scheme member who is in receipt of a pension or who is entitled to receive a pension under this Act may, by notice in writing to the Board, elect to commute the whole of the pension or such lesser proportion of it as he or she thinks fit.

(1b) A member pensioner who is deemed by this Act to have retired involuntarily by virtue of seeking and obtaining election to the Parliament of another State or the Commonwealth may not commute a pension under subsection (1) or (1a) unless, on ceasing to be a member of that Parliament—

- (a) the member pensioner is not entitled to superannuation or a retirement allowance by virtue of having been a member of that Parliament; or
- (b) no part of the superannuation or retirement allowance to which the member pensioner is entitled by virtue of having been a member of that Parliament is attributable to his or her period of service as a member of the South Australian Parliament.;

(c) by striking out from subsection (1c) "or to apply to the Board for a payment under subsection (1b)";

(d) by striking out subsection (3).

Amendment of s. 21a—Application of s. 21 to certain member pensioners

13. Section 21a of the principal Act is amended by striking out "a member pensioner" and substituting "an old scheme member pensioner".

Insertion of s. 21B

14. The following section is inserted in Part 4 Division 3 before section 22 of the principal Act:

Interpretation

21B. (1) For the purposes of this Division the balance standing to the credit of a former member's notional contribution account is an amount determined on the assumption that—

- (a) the former member's contributions were paid into a separate account; and
- (b) interest was calculated at the SAFA 10 year bond rate on the lowest monthly balance of the account and credited to the account at the end of each financial year; and
- (c) where a payment is to be made to the former member under this Division during a financial year—interest was calculated in accordance with paragraph (b) in respect of that year and was credited to the account immediately before the payment was made.

(2) In this section—

"the SAFA 10 year bond rate" means the 10 year bond rate declared by the South Australian Government Financing Authority in respect of investments made on the first day of the financial year in respect of which interest is calculated under this section.

Amendment of s. 22—Other benefits under the old scheme

15. Section 22 of the principal Act is amended—

- (a) by striking out from subsection (1) "a member" first occurring and substituting "an old scheme member";
- (b) by striking out from subsection (1) "member" third and fourth occurring and substituting, in each case, "former member";
- (c) by striking out from subsection (1) "member's" and substituting "former member's";
- (d) by striking out subsections (2) and (3).

Insertion of s. 22A

16. The following section is inserted after section 22 of the principal Act:

Other benefits under the new scheme

22A. (1) Where a new scheme member ceases to be a member and no pension or other benefit under this Act is payable to, or in relation to, the former member, the following benefits are payable to the former member:

- (a) a lump sum made up of an employee component and an employer component; and
 - (b) where the former member retired involuntarily—a lump sum calculated in accordance with subsection (6).
- (2) Each of the components referred to in subsection (1)(a) is equal to the balance standing to the credit of the former member's notional contribution account.
- (3) If the former member had reached the age of 55 years when he or she ceased to be a member both components are payable to the member.
- (4) If the former member had not reached that age when he or she ceased to be a member—
- (a) the former member may elect to take immediately the employee component or to preserve that component; and
 - (b) the employer component is preserved.

**Parliamentary Superannuation (New Scheme)
Amendment Act 1995**

No. 59 of 1995

(5) The following provisions apply to the payment of a component preserved by or under subsection (4):

- (a) the former member may at any time after reaching 55 years of age require the Board to pay the component to him or her and, if no such requirement has been made on or before the date on which the former member reaches 65 years of age, the Board will make the payment;
- (b) if the former member satisfies the Board that he or she has become totally and permanently incapacitated for work, the Board will pay the component to the former member;
- (c) if the former member satisfies the Board that he or she is suffering financial hardship and that the Board should pay the component to the former member to relieve that hardship, the Board will pay the component to the former member;
- (d) if the former member dies, the component will be paid to the spouse of the deceased former member or, if he or she left no surviving spouse, to the former member's estate,

(and a payment under any of the above paragraphs excludes further rights so that a claim cannot be subsequently made under some other paragraph).

(6) The lump sum referred to in subsection (1)(b) is calculated as follows:

$$LS = \frac{S}{12} \times \frac{M}{12}$$

Where—

LS is the lump sum

S is the salary payable to the former member immediately before he or she retired

M is the number of complete months of the former member's period of service.

(7) A benefit is not payable under subsection (6) to a former member who is deemed to have retired involuntarily by reason of having been elected to the Parliament of another State or the Commonwealth.

Amendment of s. 24—Pension for spouse of deceased old scheme member pensioner

17. Section 24 of the principal Act is amended by striking out from subsection (1) "a member pensioner" and substituting "an old scheme member pensioner".

Amendment of s. 25—Pension for spouse of deceased old scheme member

18. Section 25 of the principal Act is amended—

- (a) by striking out from subsection (1) "a member" and substituting "an old scheme member";
- (b) by striking out subsection (3).

Insertion of ss. 25A, 25B and 25C

19. The following sections are inserted after section 25 of the principal Act:

Pension for spouse of new scheme member pensioner

25A. (1) An annual pension is payable to the spouse of a deceased new scheme member pensioner.

(2) The pension is equal to 75 per cent of the pension payable to the member pensioner immediately before he or she died or that would have been payable to the member pensioner if his or her pension had not been preserved, reduced or suspended under this Act.

Pension for spouse of deceased new scheme member

25B. (1) Where a new scheme member dies an annual pension is payable to the spouse of the deceased member.

(2) The pension is the greater of the following:

- (a) an annual pension equal to 75 per cent of the pension that would have been payable to the former member if, on the day on which he or she died, he or she had retired in the circumstances referred to in section 18;
- (b) an annual pension equal to 75 per cent of 41.2 per cent of the salary payable to the member immediately before he or she died.

Interpretation

25C. (1) For the purposes of this Division, a former member will be taken to have been a member when he or she died if a judge is satisfied that, upon the expiration of the member's term of office or upon the member's resignation, the member genuinely sought to be elected at an election for the Parliament of this State (whether or not for the same electorate or the same House), another State or the Commonwealth (being an election not later than the next general election for that Parliament occurring after the former member ceased to be a member) but that the member died before the election took place.

(2) In this section—

"judge" means a judge of the Supreme Court nominated by the Governor to deal with matters arising under this section.

Insertion of Part 5 Division 1A

20. The following Division is inserted after Division 1 of Part 5 of the principal Act:

DIVISION 1A—COMMUTATION OF SPOUSE PENSION

Commutation of pension

26AA. (1) The spouse of a deceased member or deceased member pensioner who is entitled to a pension under Division 1 may, by notice in writing to the Board within six months after first becoming entitled to the pension, elect to commute the whole of the pension or such lesser proportion of the pension as he or she thinks fit.

(2) The amount of the lump sum payable on commutation of a pension under subsection (1) will be determined by the application of the commutation factors set out in the third schedule.

(3) When determining the amount of the lump sum payable on commutation the applicable commutation factor must be adjusted proportionately to the age of the spouse expressed in years and completed months.

(4) A person who became entitled to a pension under this Division on or after 1 January 1993 but before the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* may by notice in writing to the Board within six months after the commencement of that Act, elect to commute the pension in accordance with this section.

Amendment of s. 26A—Certain former members deemed members at time of death

21. Section 26A of the principal Act is amended by striking out ", the Northern Territory".

Amendment of s. 31a—Benefits payable to estate

22. Section 31a of the principal Act is amended—

(a) by striking out from subsection (1) "that is equivalent to three times the balance standing to the credit of the member's notional contribution account" and substituting "that is the greater of the following amounts:

(a) the amount that would be produced by the commutation of two-thirds of the former member's notional pension using the commutation factors set out in the third schedule;

(b) an amount that would be produced by commutation of two-thirds of 41.2 per cent of the former member's salary immediately before his or her death using the commutation factors set out in the third schedule.;

(b) by striking out subsections (2) and (3) and substituting the following subsection:

(2) When determining the amount that would be produced on commutation, the applicable commutation factor must be adjusted proportionately to the age of the deceased member when he or she died expressed in years and completed months.

Substitution of s. 35

23. Section 35 of the principal Act is repealed and the following section is substituted:

Adjustment of pensions

35. (1) The Board must adjust the amount of pensions under this Act as from the first payment of pension in the month of October in each year to reflect the percentage variation (rounded to two decimal places) between the Consumer Price Index for the June quarter of the present year and the Consumer Price Index for the June quarter of the previous year.

(2) A pension must be adjusted notwithstanding that it is not payable, or part of it is not payable, at the time of the adjustment because it is preserved, reduced (except on account of commutation) or suspended.

(3) If on the first day of October in the relevant year, the pension has been payable for a period of less than a year, the extent of the adjustment will be reduced to reflect the proportion which that period bears to one year.

(4) In this section—

"the Consumer Price Index" means the Consumer Price Index (All groups index for Adelaide).

Insertion of Part 6A

24. The following Part is inserted after Part 6 of the principal Act:

**PART 6A
TRANSFERENCE FROM THE OLD SCHEME TO THE NEW SCHEME**

Transference

35A. (1) An old scheme member may by notice in writing to the Board elect to transfer to the new scheme.

(2) The member's period of service and contributions as an old scheme member will be credited to the member as a new scheme member.

(3) An election is made—

(a) by enclosing the notice of election in a sealed envelope that includes the following statement on the front of the envelope:

"This envelope contains an election under section 35A of the *Parliamentary Superannuation Act 1974* and must not be opened until after the polling day referred to in that section"; and

(b) by delivering the envelope to the Board on or before the day preceding the poll for the first general election of the House of Assembly after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* or by posting the envelope to the Board so as to be received by the Board in the ordinary course of post on or before that day.

Parliamentary Superannuation (New Scheme)

No. 59 of 1995

Amendment Act 1995

(4) A person who opens an envelope in contravention of the statement referred to in subsection (3)(a) appearing on the front of the envelope is guilty of an offence.

Penalty: \$10 000.

Amendment of s. 36—Pensions as to previous service

25. Section 36 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (6) "or the Northern Territory";

(b) by inserting after paragraph (b) of subsection (6) the following paragraph:

(ba) the member is not entitled to a pension but, has received or is entitled to a lump sum in respect of his or her period of service as a member of that other Parliament;;

(c) by inserting after subsection (9) the following subsection:

(10) Where a former old scheme member or an old scheme member pensioner again becomes a member on or after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995*, in circumstances referred to in this section, the member is an old scheme member.

Insertion of ss. 36A and 36B

26. The following sections are inserted after section 36 of the principal Act:

Division of benefit where deceased member is survived by lawful and putative spouses

36A. (1) If a deceased member, or deceased member pensioner, is survived by a lawful spouse and a putative spouse, any benefit to which a surviving spouse is entitled under this Act will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse.

(2) Where a number of periods of cohabitation are to be aggregated for the purpose of determining an aggregate period of cohabitation for the purpose of subsection (1), any separate period of cohabitation of less than three months will be disregarded.

(3) A surviving spouse must, at the request of the Board, furnish it with any information that it requires for the purposes of making a division under subsection (1).

(4) A putative spouse is not entitled to any benefit under this section, unless the deceased member, or member pensioner, and that spouse were putative spouses as at the date of the member's, or the member pensioner's, death.

(5) Where—

(a) a deceased member, or member pensioner, is survived by a lawful and a putative spouse;

- (b) a benefit is paid to one of them on the assumption that he or she is the sole surviving spouse of the deceased,

the other spouse has no claim on the benefit insofar as it has been already paid unless that spouse gave the Board notice of his or her claim before the date of payment.

Power to obtain information

36B. (1) The Board may, from time to time, require an employing authority, employee or new scheme member pensioner to supply the Board with any information that it reasonably requires for the purposes of this Act.

(2) The Board may require an employee or new scheme member pensioner to verify information supplied under this section by statutory declaration.

(3) If a new scheme member pensioner fails to comply with a requirement under this section, the Board may suspend payment of the pension until the requirement is complied with.

(4) A person who—

- (a) fails to comply with a requirement under subsection (1); or
- (b) supplies information in response to such a requirement that is false or misleading in a material particular,

is guilty of an offence.

Penalty: \$10 000.

(5) Where a member pensioner commits an offence against subsection (4), the Board may expel the member pensioner from membership of the scheme and, in that event, no further benefit will be payable under this Act to or in relation to the former member pensioner.

(6) Notwithstanding subsection (5), an amount equivalent to the excess (if any) of the contributions paid by the former member pensioner under this Act over the amount of the pension and any other benefits paid to the former member pensioner will be paid to him or her or to his or her estate.

(7) In this section—

"employing authority" in relation to an employee means—

- (a) the chief executive officer to whom the employee is answerable on matters relating to his or her employment;
- (b) if there is no such officer—the authority, body or person to whom the employee is answerable.

**Parliamentary Superannuation (New Scheme)
Amendment Act 1995**

No. 59 of 1995

Insertion of third schedule

27. The following schedule is inserted after the second schedule of the principal Act:

THIRD SCHEDULE
Commutation Factors for Spouse Pensions

| Age of spouse at time of commutation | Amount of lump sum for each dollar of annual pension commuted |
|--------------------------------------|---|
| 50 or under | \$11.50 |
| 50 — 55 | \$11.50 — \$11.00 |
| 55 — 60 | \$11.00 — \$ 9.75 |
| 60 — 65 | \$ 9.75 — \$ 8.50 |
| 65 — 70 | \$ 8.50 — \$ 7.25 |
| 70 — 80 | \$ 7.25 — \$ 4.75 |
| 80 — 90 | \$ 4.75 — \$ 2.25 |
| 90 — 100 | \$ 2.25 — \$ 0.00 |

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

ROMA MITCHELL Governor