

PARLIAMENTARY RETIRING ALLOWANCES.

No. 20 of 1959.

An Act relating to Parliamentary Retiring Allowances.

[Assented to 24th April, 1959.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Parliamentary Retiring Allowances Act 1959*.

(2.) The *Parliamentary Retiring Allowances Act 1948–1955** 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 1948–1959*.

Commence-
ment.

2. This Act shall be deemed to have come into operation on the first day of March, One thousand nine hundred and fifty-nine.

Contributions
by members.

3.—(1.) Section thirteen of the Principal Act is amended by omitting from sub-section (1.) the words “Two hundred and thirty-four pounds” and inserting in their stead the words “Two hundred and sixty pounds”.

(2.) Notwithstanding anything contained in sub-section (2.) of section thirteen of the Principal Act, as amended by this Act, contributions at the rate fixed by that section are payable as from the date of commencement of this Act.

Contributions
by
Commonwealth.

4. Section fourteen of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) In addition to the amounts referred to in the last preceding sub-section, the Commonwealth shall pay into the Fund such further amounts as the Treasurer determines are, by reason of the provisions of the *Parliamentary Retiring Allowances Act 1959*, necessary in order to maintain the solvency of the Fund.”

The
Commonwealth
supplement.

5. Section sixteen of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words “is a member at the date of commencement of this Act” and inserting in their stead the words “was a member at the date of commencement of the *Parliamentary Retiring Allowances Act 1948*”; and

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

(b) by omitting from sub-section (2.) the words “ this Act ” (second and third occurring) and inserting in their stead the words “ that Act ”.

6.—(1.) Section seventeen of the Principal Act is amended by omitting from sub-section (2.) the words “ seventy years ” and inserting in their stead the words “ sixty years ”.

Meaning of
voluntary
retirement.

(2.) The amendment made by the last preceding sub-section does not apply in relation to a person who ceased to be entitled to a parliamentary allowance before the commencement of this Act.

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

“ 18.—(1.) Subject to this Act, a member who ceases to be entitled to a parliamentary allowance shall be entitled to benefits from the Fund in accordance with this section.

Benefits to
members.

“ (2.) In the case of a member who does not retire voluntarily, the benefit shall be—

(a) where—

(i) he has attained the age of forty years before he ceases to be entitled to a parliamentary allowance; and

(ii) his period of service is not less than eight years or he has, on 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 a member or by reason of the expiration of his term of office,

a pension during his life-time at a rate ascertained in accordance with the scale set out in sub-section (6.) of this section; or

(b) in any other case—a refund of his contributions together with a payment of the Commonwealth supplement.

“ (3.) Where a person has been appointed to hold the office of a senator by the Governor of a State under section fifteen of the Constitution, his ceasing to be a member upon the expiration of fourteen days after the beginning of the next session of the Parliament of the State, or upon the election of a successor, as the case may be, shall not be taken into account for the purposes of paragraph (a) of the last preceding sub-section.

“(4.) In the case of a member who retires voluntarily, the benefit shall be—

(a) where—

(i) he has attained the age of forty years before he ceases to be entitled to a parliamentary allowance; and

(ii) his period of service is not less than twelve years,

a pension during his life-time at a rate ascertained in accordance with the scale set out in sub-section (6.) of this section; or

(b) in any other case—a refund of his contributions together with a payment of one-half of the Commonwealth supplement.

“(5.) A person who becomes entitled to a pension under this section may, unless he has, at the time he becomes so entitled, attained the age of fifty years, elect, as prescribed, to accept in lieu of the pension—

(a) if he has not retired voluntarily—a refund of his contributions and a payment of the Commonwealth supplement; or

(b) if he has retired voluntarily—a refund of his contributions and a payment of one-half of the Commonwealth supplement,

and in any such case the benefit to which he is entitled under this section shall be a refund and payment accordingly.

“(6.) The rate of a pension under this section shall be ascertained in accordance with the following scale:—

Age at ceasing to be entitled to a parliamentary allowance.	Weekly amount of pension.
40 years	£ s. d. 10 10 0
41 years	12 0 0
42 years	13 10 0
43 years	15 0 0
44 years	16 10 0
45 years or more	18 0 0

“(7.) Where a person—

(a) is entitled to a pension under the preceding provisions of this section at the rate of Eighteen pounds per week; and

(b) has (whether before or after becoming entitled to that pension) attained the age of sixty-five years,

there is payable to that person additional pension at the rate of Three pounds per week.”.

8. Section nineteen of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (1.) the words “(whether presently payable or not, but not including a pension in lieu of which another benefit has been accepted)”;

Benefits on death of member.

(b) by omitting from paragraph (a) of sub-section (2.) the words “Ten pounds” and inserting in their stead the words “Fifteen pounds”;

(c) by omitting sub-sections (3.) and (4.) and inserting in their stead the following sub-section:—

“(3.) If the deceased person was a male who is not survived by a widow, or was a female, there shall be payable to the personal representatives of the deceased person the sum of the contributions paid by the deceased person and the Commonwealth supplement in relation to the deceased person, less the amount of pension (if any) received by, or accrued due to, the deceased person before his or her death.”; and

(d) by omitting from sub-section (7.) the words “or widower” (wherever occurring).

9. After section nineteen of the Principal Act the following section is inserted:—

“19AA.—(1.) In the cases specified in this section, benefits for the care and maintenance of children under the age of sixteen years are payable in such manner and subject to such conditions as the Trust determines.

Benefits in respect of orphaned children.

“(2.) Subject to this section, the rate of the benefit in respect of a child is Three pounds per week.

“(3.) Where a widower or widow dies—

(a) while he or she is entitled to a parliamentary allowance; or

(b) while he or she is entitled to a pension under section eighteen of this Act,

and is survived by a dependent child of the widow or widower under the age of sixteen years, benefit in accordance with this section is payable in respect of the child, and in any such case—

(c) any benefit payable to the personal representatives of the deceased person under sub-section (3.) of the last preceding section does not become payable until the benefit in respect of the child ceases to be payable; and

(d) the amount of any such benefit otherwise payable to the personal representatives shall be reduced by the total of the amounts of benefit paid in respect of the child.

“ (4.) Where—

- (a) a widow entitled to a pension under the last preceding section (other than a pension the rate or period of which was reduced under sub-section (5.) or (6.) of that section) dies; or
- (b) a widow having an option under sub-section (2.) of that section dies without having exercised that option or re-married,

and is survived by a dependent child under the age of sixteen years, being a child of her late husband or of herself, benefit in accordance with this section is payable in respect of the child.

“ (5.) Where a widow who dies—

- (a) would be entitled to a pension at the time of her death but for the application of sub-section (5.), (6.) or (7.) of the last preceding section; or
- (b) is at the time of her death entitled to a pension the rate or period of which was reduced by virtue of sub-section (5.) or (6.) of that section,

and is survived by a child of her late husband under the age of sixteen years who was dependent on her late husband immediately before her marriage to him, benefit in accordance with this section is payable in respect of the child.

“ (6.) Where a widow who dies without having re-married—

- (a) is, at the time of her death, or has at any time been, entitled to a pension at a reduced rate or for a reduced period by reason of sub-section (5.) or (6.) of the last preceding section; and
- (b) is survived by a dependent child of the widow under the age of sixteen years, other than a child referred to in the last preceding sub-section,

the Trust may, in its absolute discretion, approve the payment, in respect of that child, of benefit in accordance with this section but at such rate, not being more than Three pounds per week, as the Trust determines.

“ (7.) In this section, ‘ child ’, in relation to a person, includes a child adopted by that person.”

**Additional
benefit to
Prime Minister.**

10. Section nineteen A of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “ three years ” and inserting in their stead the words “ two years ”;

- (b) by omitting from sub-section (1.) the words “ of One thousand two hundred pounds a year ” and inserting in their stead the words “ ascertained in accordance with the scale set out in sub-section (2A.) of this section ”; and
- (c) by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“ (2.) Where a person who has held office as specified in paragraph (a) of the last preceding sub-section has died or dies (either while holding office as Prime Minister or after ceasing so to hold office), and that person is survived by a widow, the widow shall be paid a pension, during her life-time but ceasing upon her re-marriage, at a rate equal to one-half of the rate calculated, in relation to the service of her late husband as Prime Minister, in accordance with the scale set out in the next succeeding sub-section.

“ (2A.) The rate of a pension under sub-section (1.) of this section shall be ascertained in accordance with the following scale:—

Period, or aggregate of periods, of service as Prime Minister.	Annual amounts of pension.
	£
Not less than two years but less than three years ..	2,000
Not less than three years but less than four years ..	2,250
Not less than four years but less than five years ..	2,500
Not less than five years but less than six years ..	2,750
Not less than six years	3,000 ”.

11. Section twenty of the Principal Act is amended—

Re-election.

- (a) by inserting in sub-section (1.), after the words “ payment of ”, the words “ the whole or a part of the ”; and
- (b) by omitting from sub-section (4.) the words “ or widower ”.

12. Section twenty-one of the Principal Act is amended by inserting after sub-section (2.) the following sub-section:—

“ (2A.) Notwithstanding anything contained in the preceding provisions of this section, the rate of a pension shall not be reduced, or continue to be reduced, under those provisions by reason of the holding of an office (other than the office of Minister

Government
employment or
membership
of State
Parliament.

of State), or engagement in employment, referred to in paragraph (a) of sub-section (1.) of this section, or receipt of a pension in respect of such an office or employment, to a rate less than one-half of the rate of pension otherwise payable.”.

Application of amendments.

13. The amendments made by sections seven, eight and nine of this Act do not apply in relation to a person who ceased to be entitled to a parliamentary allowance (by death or otherwise) before the date of commencement of this Act, or in relation to rights that arose or arise upon the death of such a person, or of the widow of such a person, whether before or after that date.
