



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 112 of 1978

An Act to amend the Parliamentary Superannuation Act,
1974-1978.

[Assented to 7th December, 1978]

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 (No. 2), 1978". Short titles.

(2) The Parliamentary Superannuation Act, 1974-1978, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Parliamentary Superannuation Act, 1974-1978".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commence-
ment.

(2) The Governor may, in the proclamation made for the purposes of subsection (1) of this section suspend any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 5 of the principal Act is amended by inserting after the definition of "pension day" the following definition:— Amendment of
principal Act,
s. 5—
Interpretation.

"prescribed office" means an office or position in respect of which additional salary is payable:.

4. Section 7 of the principal Act is amended—

(a) by striking out paragraph (d) and inserting in lieu thereof the following paragraph:— Amendment of
principal Act,
s. 7—
Computation
of service.

(d) where the continuity of a member's service has been broken, the former period of service (and any service by the member in a prescribed office during that former period) shall not be taken into account unless by

virtue of section 20 or section 36 of this Act that former period of service is to be counted as service for the purposes of this Act;;

and

(b) by striking out paragraph (e) and inserting in lieu thereof the following paragraph:—

(e) subject to this section and section 36 of this Act, only the actual service of a member shall be regarded as service.

Amendment of
principal Act,
s. 14—
Contributions
by members.

5. Section 14 of the principal Act is amended—

(a) by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:—

(2) Every member (not being a member who is in receipt of additional salary) shall contribute to the Fund at the rate of eleven and one-half per centum of his salary.

(3) Every member who is in receipt of additional salary shall contribute to the Fund at the rate of eleven and one-half per centum of the aggregate of his salary and additional salary.;

and

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

(5) A member may within one month after the day on which this subsection comes into operation, by notice in writing addressed to the Treasurer, elect to take the benefit of this subsection.

(6) Where a member elects to take the benefit of subsection (5) of this section, this Act shall apply to and in relation to the member as if the amendment made by the Parliamentary Superannuation Act Amendment Act (No. 2), 1978, to subsection (1) of section 17 of this Act had been the only amendment made by that amending Act.

Repeal of
s. 14a of
principal Act.

6. Section 14a of the principal Act is repealed.

Amendment of
principal Act,
s. 17—
Amount of
pension on
retirement.

7. Section 17 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “eight years’ service” and inserting in lieu thereof the passage “six years’ service”;

and

(b) by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(2) Where a former member was in receipt of additional salary at any time during his service, the amount of the annual pension payable to that former member shall be determined by reference to the following formula:—

$$P = \frac{(BP - X) HS}{BS} + X$$

where—

P is the annual pension payable to the former member:

BP is the annual pension that would, apart from this subsection, be payable to the former member:

X is an amount arrived at by subtracting from BP the amount of the annual pension that would, apart from this subsection, be payable to the former member if the reference to six years' service in subsection (1) of this section were a reference to eight years' service:

HS is the aggregate amount of salary and additional salary that the member would have received over a period of six years—

(a) if he had been remunerated over the whole of that period at the rates of salary and additional salary applicable on the date of his retirement;

and

(b) if—

(i) the period of six years were made up first of his period of service, or aggregate periods of service, in the highest of the prescribed offices and secondly (if that period or those periods of service amount to less than six years) of his period of service, or aggregate periods of service in the prescribed office next in order of seniority, and so on until the period of six years is exhausted;

and

(ii) where the member held a prescribed office or prescribed offices for a period, or aggregate periods, amounting to less than six years—he had completed the balance of the period of six years without additional salary:

BS is an amount equal to six times the salary applicable to the member on the date of his retirement.

(2a) For the purposes of subsection (2) of this section, if a member did not elect to make contributions to the Fund in respect of the additional salary paid for a period of service in a prescribed office commencing after the commencement of this Act and concluding on or before the commencement of the

Parliamentary Superannuation Act Amendment Act (No. 2), 1978, that period of service shall not be regarded as a period of service in a prescribed office.

Amendment of
principal Act,
s. 18—
Invalidity
retirement
and amount
of pension.

8. Section 18 of the principal Act is amended by striking out from paragraph (a) of subsection (2) the passage "eight years' service", wherever it occurs, and inserting in lieu thereof, in each case, the passage "six years' service".

Amendment of
principal Act,
s. 24—
Pension for
spouse of
deceased
pensioner.

9. Section 24 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (2) the item:

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

and inserting in lieu thereof the item:

S = forty per centum of the relevant amount multiplied by the appropriate factor;;

(b) by striking out from paragraph (b) of subsection (2) the passage "the annual salary of the member pensioner immediately before he became a pensioner" and inserting in lieu thereof the passage "the relevant amount multiplied by the appropriate factor";

and

(c) by inserting after subsection (2) the following subsections:—

(3) In this section—

"the appropriate factor" means a factor arrived at by dividing the amount of the notional pension of the pensioner on the day of his death by the amount of the pension to which he was entitled when he became a pensioner:

"the relevant amount" means—

(a) in relation to a member who was not in receipt of additional salary at any time during his service—the annual salary of the member immediately before he became a pensioner;

or

(b) in relation to a member who was in receipt of additional salary at any time during his service—one-sixth of the aggregate amount of the salary and additional salary he would have received over a period of six years—

(i) if he had been remunerated during the whole of that period at the rates of salary and additional salary applicable immediately before he became a pensioner;

and

(ii) if—

(A) the period of six years were made up first of his period of service, or aggregate periods of service, in the highest of the prescribed offices and secondly (if that period or those periods of service amount to less than six years) of his period of service or aggregate periods of service in the prescribed office next in order of seniority, and so on until the period of six years is exhausted;

and

(B) where the member held a prescribed office or prescribed offices for a period, or aggregate periods, amounting to less than six years—he had completed the balance of the period of six years without additional salary.

(4) For the purposes of subsection (3) of this section, if a member did not elect to make contributions to the Fund in respect of the additional salary paid for a period of service in a prescribed office commencing after the commencement of this Act and concluding on or before the commencement of the Parliamentary Superannuation Act Amendment Act (No. 2), 1978, that period of service shall not be regarded as a period of service in a prescribed office.

10. Section 25 of the principal Act is amended—

(a) by striking out from paragraph (b) the passage “the salary payable to the deceased member immediately before he died” and inserting in lieu thereof the passage “the relevant amount”;

and

(b) by inserting after the present contents, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) In this section—

“the relevant amount” has the same meaning as in section 24 of this Act.

Amendment of
principal Act,
s. 25—
Pension for
spouse of
deceased
member.

Amendment of
principal Act,
s. 36—
Certain
previous
service to be
counted.

11. Section 36 of the principal Act is amended by inserting after subsection (5) the following subsection:—

(6) Where a member was, before he became a member, a member of the Parliament of the Commonwealth or of some other State of Australia, and he makes a contribution to the Fund of an amount determined by the Public Actuary, the service of that member as a member of that other Parliament shall be counted as service for the purposes of this Act.

Enactment of
s. 39a of
principal Act—

12. The following section is enacted and inserted in the principal Act after section 39:—

Renunciation
of certain
benefits.

39a. (1) A member may, by notice in writing addressed to the Treasurer, renounce the benefit of the Parliamentary Superannuation Act Amendment Act (No. 2), 1978.

(2) Where a member gives a notice to the Treasurer under subsection (1) of this section, the provisions of this Act shall apply to and in relation to the member as if the Parliamentary Superannuation Act Amendment Act (No. 2), 1978 had not been enacted.

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

K. D. SEAMAN, Governor