



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 4 of 1981

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

[Assented to 26th February, 1981]

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

Short titles.

1. (1) This Act may be cited as the "Parliamentary Superannuation Act Amendment Act, 1981".

(2) The Parliamentary Superannuation Act, 1974-1978, 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 Superannuation Act, 1974-1981".

Commencement.

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

(2) Notwithstanding subsection (1), section 7 shall be deemed to have come into operation on the day on which the Parliamentary Superannuation Act Amendment Act (No. 2), 1978, came into operation.

**Amendment of s. 6—
Voluntary and involuntary retirement.**

3. Section 6 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsection:

(1) For the purposes of this Act, a former member shall be deemed to have retired involuntarily if his term of office expires or he resigns and a judge is satisfied that upon so ceasing to be a member—

(a) he 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, the Northern Territory or the Commonwealth (being an election not later than the next

general election for that Parliament occurring after he ceased to be a member) but—

(i) having stood as a candidate, was defeated;

or

(ii) failed to be a candidate due to—

A. his failure to secure the support of a political party from which he reasonably sought support;

B. his expulsion from a political party;

C. ill health;

or

D. any other good and sufficient reason;

or

(b) he sought to be and was elected at an election for the Parliament of another State, the Northern Territory or the Commonwealth (being an election not later than the next general election for that Parliament occurring after he ceased to be a member).;

and

(b) by striking out from paragraph (c) of subsection (3) the passage “or (2)”.

4. Section 19 of the principal Act is amended by striking out from subsection (2) the passage “N = the number of whole years service of the member pensioner” and substituting the passage “N = one or the number of whole years of service of the member pensioner, whichever is the greater”.

Amendment of
s. 19—
Suspension of
pension.

5. Section 21a of the principal Act is amended by striking out the passage ‘expression “30%” therein there was substituted’ and substituting the passage ‘expressions “30%”, “34%” and “38%” therein there were substituted, in each case.’

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

6. Section 22 of the principal Act is amended by striking out the passage “N = the number of whole years of service of the former member” and substituting the passage “N = one or the number of whole years of service of the former member, whichever is the greater”.

Amendment of
s. 22—
Benefit where
no pension
available.

7. Section 24 of the principal Act is amended—

(a) by striking out from subsection (2) the word “and” occurring between paragraphs (a) and (b);

and

(b) by inserting after paragraph (b) of subsection (2) the following word and paragraph:

or

Amendment of
s. 24—
Pension for
spouse of
deceased
pensioner.

(c) where the amount determined under paragraph (a) or (b) exceeds the notional pension of the member pensioner on the day that he died, the amount of that notional pension.

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

8. Section 25 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the word “pensioner”;

and

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

(3) For the purposes of this section, a former member who ceased to be a member and genuinely sought to be elected at an election as provided in section 6 (1) and who died before the conclusion of that election shall be deemed to have been a member at the time of his death.

Insertion of
new s. 26a.

9. The following section is inserted in Division II of Part V of the principal Act after the heading to that Division:

26a. For the purposes of this Division, a former member who ceased to be a member and genuinely sought to be elected at an election as provided in section 6 (1) and who died before the conclusion of that election shall be deemed to have been a member at the time of his death.

Amendment of
s. 27—
Determination
of child
benefit.

10. Section 27 of the principal Act is amended by striking out the word “or” occurring between paragraphs (b) and (c) and substituting the word “and”.

Amendment of
s. 29—
Child benefit
where no
spouse's
pension
payable.

11. Section 29 of the principal Act is amended by striking out from subsection (1) the passage “the spouse of that member or pensioner owing to the death of that spouse” and substituting the passage “a spouse of that member or pensioner”.

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

12. Section 36 of the principal Act is amended—

(a) by inserting after subsection (4) the following subsections:

(4a) Where the Trustees allow a member a further period to pay an amount required to be paid under subsection (1) or (3), they may impose such conditions relating to the payment (including a condition requiring payment of interest on that amount) as they think fit.

(4b) The Trustees may vary or waive any condition imposed under subsection (4a).

(4c) Where the Trustees have imposed conditions under subsection (4a) in relation to any member, the member shall be deemed not to have paid the amount required to be paid under subsection (1) or (3), as the case may be, unless the member has done so in accordance with the conditions and has paid interest on that amount as required by any such condition.;

and

(b) by striking out subsection (6) and substituting the following subsections:

(6) Where—

- (a) a member has been a member of the Parliament of the Commonwealth or another State or the Northern Territory;
- (b) the member became a member within the period of four years after ceasing or last ceasing to be a member of such other Parliament;

and

- (c) he makes a contribution to the Fund of an amount equal to the prescribed amount,

the period or aggregate of the periods of service of that member as a member of such other Parliament or Parliaments shall be counted as service for the purposes of this Act.

(7) In subsection (6)—

“prescribed amount” means an amount equal to eleven and one-half per centum of the total salary that he would have been paid if, for a period equal to the period to be counted as service under subsection (6), he had been in receipt of the salary first payable to him after he became a member.

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

K. D. SEAMAN, Governor