



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 64 of 1963

An Act to amend the Parliamentary Superannuation Act, 1948-1962.

[Assented to 12th December, 1963.]

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, 1963", and shall come into operation on the first day of the month next after this Act is assented to by the Governor. Short titles and commencement.

(2) The Parliamentary Superannuation Act, 1948-1962, as amended by this Act, may be cited as the "Parliamentary Superannuation Act, 1948-1963".

(3) The Parliamentary Superannuation Act, 1948-1962, is hereinafter referred to as "the principal Act".

2. This Act is incorporated **with** the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 9 of the principal Act is amended by striking out subsections (1a), (1b), (1c), (1d), (1da) and (1db) of that section and inserting in lieu thereof the following subsections:— Amendment of principal Act s. 9.

(1a) A member who immediately before the date of commencement of the Parliamentary Superannuation Act Amendment Act, 1963, was contributing to the fund at

the rate of seventy-two pounds a year may, within two months after that date, elect to contribute to the fund as on and from that date at the rate of one hundred pounds a year, but if the member does not so elect within that time and in the manner prescribed by this section, he shall continue to contribute to the fund at the rate of seventy-two pounds a year.

(1b) A member who immediately before the date of commencement of the Parliamentary Superannuation Act Amendment Act, 1963, was contributing to the fund at the rate of one hundred pounds a year may, within two months after that date, elect to contribute to the fund as on and from that date at the rate of one hundred and fifty pounds a year, but if the member does not so elect within that time and in the manner prescribed by this section, he shall continue to contribute to the fund at the rate of one hundred pounds a year.

(1c) A member who immediately before the date of commencement of the Parliamentary Superannuation Act Amendment Act, 1963, was contributing to the fund at the rate of one hundred and fifty pounds a year may, within two months after that date, elect to contribute to the fund as on and from that date at the rate of two hundred pounds a year, but if the member does not so elect within that time and in the manner prescribed by this section, he shall continue to contribute to the fund at the rate of one hundred and fifty pounds a year.

(1d) A person who becomes a member after the date of commencement of the Parliamentary Superannuation Act Amendment Act, 1963, may, within two months after becoming liable to contribute to the fund, elect to contribute to the fund at the rate of one hundred pounds a year, one hundred and fifty pounds a year or two hundred pounds a year, but if the member does not so elect within that time and in the manner prescribed by this section, he shall contribute to the fund at the rate of two hundred pounds a year.

(1da) Where a member has made an election as provided by this section, contributions shall be payable by him to the fund in accordance with his election.

4. Section 11 of the principal Act is amended by striking out subsection (1) of that section and inserting in lieu thereof the following subsection :—

Amendment of
principal Act,
s. 11.

(1) Subject to this Act,

(a) a person who—

(i) ceases to be a member after the commencement of the Parliamentary Superannuation Act Amendment Act, 1963 ;

(ii) has served as a member for at least nine years ;

(iii) has ceased to be entitled to payment of parliamentary salary ; and

(iv) has paid into the fund contributions amounting to not less than three hundred and fifty-one pounds,

shall, except as provided by section 14 of this Act, be entitled to a pension under this Act ; and

(b) a person who immediately before the commencement of the Parliamentary Superannuation Act Amendment Act, 1963, was in receipt of a pension under this Act shall continue to be entitled to a pension under this Act.

5. Section 12 of the principal Act is repealed and re-enacted as follows :—

Repeal and re-enactment of s. 12 of principal Act—

12. Except as otherwise expressly provided by this Act a pension to which a person is entitled under this Act shall commence and be payable as from the day following the day on which the person completes compliance with the requirements of paragraph (a) of subsection (1) of section 11 of this Act.

Commencement of pension.

6. Section 13 of the principal Act is repealed and re-enacted as follows :—

Repeal and re-enactment of s. 13 of principal Act—

13. The pensions payable pursuant to section 11 of this Act shall be as follows :—

Rates of pension.

(a) For a person who immediately before the date of commencement of the Parliamentary Super-

annuation Act Amendment Act, 1963, was in receipt of a pension under this Act—A pension at such rate as he was receiving under this Act as amended and in force immediately before that date.

(b) For a member who becomes entitled to a pension under this Act after the commencement of the Parliamentary Superannuation Act Amendment Act, 1963—

- (i) if, at the time of the member's retirement, the member was contributing to the fund at the yearly rate of seventy-two pounds—An annual pension of two hundred and forty pounds plus twenty pounds for each complete year of the member's service in excess of nine years but not in excess of eighteen years and for each complete period of three years in excess of eighteen years, but not exceeding in the aggregate an annual pension of five hundred pounds ;
- (ii) if, at the time of the member's retirement the member was contributing at the yearly rate of one hundred pounds —An annual pension of three hundred and sixty pounds plus thirty pounds for each complete year of the member's service in excess of nine years but not in excess of eighteen years and for each complete period of three years in excess of eighteen years, but not exceeding in the aggregate an annual pension of seven hundred and fifty pounds ;
- (iii) if, at the time of the member's retirement, the member was contributing at the yearly rate of one hundred and fifty pounds—An annual pension of five hundred and forty pounds plus forty-five pounds for each complete

year of the member's service in excess of nine years but not in excess of eighteen years and for each complete period of three years in excess of eighteen years, but not exceeding in the aggregate an annual pension of one thousand one hundred and twenty-five pounds; and

- (iv) if, at the time of the member's retirement, the member was contributing at the yearly rate of two hundred pounds—An annual pension of seven hundred and twenty pounds plus sixty pounds for each complete year of the member's service in excess of nine years but not in excess of eighteen years and for each complete period of three years in excess of eighteen years, but not exceeding in the aggregate an annual pension of one thousand five hundred pounds.

7. Section 14 of the principal Act is amended by striking out subsections (1), (2), (2a) and (3) of that section and inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 14.

(1) Subject to subsection (1b) of this section, if a member resigns before the expiration of his term of office as a member, he shall not be entitled to a pension under this Act unless, in addition to satisfying the requirements of paragraph (a) of subsection (1) of section 11 of this Act—

Further
qualifications
for right to
pension.

(a) he has, either before or after his resignation, satisfied a judge that there were good and sufficient reasons for his resignation or proposed resignation, as the case may be; or

(b) he has stood for re-election and been defeated.

(1a) Subject to subsection (1b) of this section, if a person ceases to be a member on the expiration of his term of office as such, he shall not be entitled to a pension under this Act unless, in addition to satisfying the requirements of paragraph (a) of subsection (1) of section 11 of this Act,

(a) he has, either before or after the expiration of his term of office, satisfied a judge that there were good and sufficient reasons why he should not seek or should not have sought re-election ;

or

(b) he has stood for re-election and been defeated.

(1b) Subsections (1) and (1a) of this section do not apply to any person who satisfies the requirements of paragraph (a) of subsection (1) of section 11 of this Act if—

(a) he has served as a member for eighteen years or more ; or

(b) at the time he resigned or ceased to be a member as aforesaid, he was of or over the age of sixty-five years.

(2) Notwithstanding any other provision of this Act, where a person who becomes entitled to a pension under this Act is under the age of fifty years, but except where under subsection (1) or subsection (1a) of this section he has satisfied a judge that there were good and sufficient reasons for his resignation or proposed resignation or for not seeking or not having sought re-election, as the case may be—

(a) he shall not be entitled to receive such pension before he attains the age of fifty years ;

(b) he shall be entitled to commence receiving such pension upon attaining that age unless, in accordance with section 18 of this Act, he has elected to receive a refund of his contributions to the fund ; and

(c) such pension shall not commence or become payable until he attains that age.

(3) Except as provided by subsection (2) of this section, the operation of this section shall not affect the time as from which any pension shall commence or become payable.

8. Section 16 of the principal Act is repealed and re-enacted as follows :—

Repeal and re-enactment of s. 16 of principal Act—

16. (1) Subject to this section, on the death of a person in receipt of a pension under this Act, there shall be paid to that person's widow or widower, if any, a pension at an annual rate equal to three-quarters of the annual rate of that person's pension; but, where that person married after his or her pension had commenced and become payable, the widow or widower, as the case may be, shall not be entitled to a pension on the death of that person.

Pension to widow or widower of pensioner or qualified member.

(2) Where, before the death of a person who had become entitled to a pension under this Act which had not commenced or become payable because the person had not attained the age of fifty years, that person had not elected to receive a refund of his or her contributions pursuant to section 18 of this Act, there shall be paid to that person's widow or widower, if any, a pension at an annual rate equal to three-quarters of the annual rate of the pension that would have been paid to that person had he or she attained the age of fifty years; but, where that person married after he or she had ceased to be a member, the widow or widower, as the case may be, shall not be entitled to a pension on the death of that person.

(3) Where a member or a person in receipt of a parliamentary salary dies after not less than nine years' service as a member and leaves a widow or widower, there shall be paid to the widow or widower a pension at an annual rate equal to three-quarters of the annual rate appropriate to the length of service of that member or person.

(4) Pension shall be payable under subsection (3) of this section notwithstanding that the member or person was under the age of fifty years at the time of his or her death and that his or her total contributions to the fund were less than three hundred and fifty-one pounds.

(5) The widow or widower of a member or person referred to in subsection (3) of this section shall not be obliged, in order to obtain a pension, to pay into the fund the amount by which the contributions paid to the fund by that member or person fall short of three hundred and fifty-one pounds.

(6) Pension payable to a widow or widower pursuant to this section shall cease on her or his re-marriage.

Amendment of
principal Act,
s. 17 (2).

9. Subsection (2) of section 17 of the principal Act is amended by striking out the words "five hundred" occurring twice therein and inserting in lieu thereof in each case the words "seven hundred and fifty".

Repeal and
re-enactment
of s. 18 of
principal Act—

10. Section 18 of the principal Act is repealed and re-enacted as follows :—

Refund on
retirement
without
qualifying for
pension.

18. (1) Where a person has ceased to be a member but has not complied with the requirements entitling him or her to a pension under this Act, he or she shall be entitled to receive a refund of his or her contributions without interest.

(2) Where, pursuant to section 14 of this Act a person under the age of fifty years has become entitled to a pension which does not commence or become payable until he or she attains that age, he or she may, within two months after becoming entitled to the pension elect to receive in lieu of such pension a refund of his or her contributions to the fund.

(3) An election under this section shall be made in writing and shall be addressed to and lodged with the trustees.

(4) A person who makes an election in accordance with subsection (2) of this section shall not be paid a pension but shall be entitled to receive a refund of his or her contributions without interest.

(5) Where a person whose contributions have been refunded under this section subsequently becomes a member—

(a) he or she shall, within three months after his or her re-election, or such further time as the trustees may for good cause allow, repay into the fund the amount refunded to him or her ;
and

(b) the period in respect of which the refunded contributions were paid shall be counted as service for the purposes of this Act.

11. Section 19 of the principal Act is repealed and re-enacted as follows :—

Repeal and re-enactment of s. 19 of principal Act—

19. Where—

Refund on death of member or person entitled to deferred pension.

- (a) a person dies while still a member or in receipt of a parliamentary salary without leaving a widow or widower entitled to a pension ; or
- (b) a person who had become entitled to a pension which had not commenced or become payable because he or she had not attained the age of fifty years dies without leaving a widow or widower entitled to a pension and without having elected to receive a refund of his or her contributions pursuant to section 18 of this Act,

the trustees shall pay the amount of the contributions paid by him or her (without interest) either to his widow or her widower, as the case may be, or if that person does not leave a widow or widower, to that person's personal representatives or any other person or persons to whom the trustees deem it just to pay it.

12. Section 19a of the principal Act is repealed and re-enacted as follows :—

Repeal and re-enactment of s. 19a of principal Act—

19a. Where—

Death of person entitled to pension.

- (a) a person in receipt of a pension dies without leaving a widow or widower entitled to a pension or a widow or widower of a member or of a person in receipt of a pension dies after becoming entitled to a pension ; and
- (b) the total amount of pension received—
 - (i) by that person ; or
 - (ii) by that widow or widower ; or
 - (iii) by that person or member and that widow or widower together,

as the case may be, is less than the total amount of the contributions paid by that person or member without interest,

1963. **Parliamentary Superannuation Act No. 64.**
Amendment Act, 1963.

the trustees shall pay the amount by which the total amount of such contributions exceeds the total amount of pension so received to the personal representatives of the deceased person, widow or widower, as the case may be, or to any other person or persons to whom the trustees deem it just to pay it.

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

EDRIC BASTYAN, Governor.