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".

   (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.

   (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:

   "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:

   (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.

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

(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 sub-
section (1) of section 17 of this Act had been the only amend-
ment made by that amending Act.

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 Section 14a of the principal Act is repealed.

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
8. Section 18 of the principal Act is amended by striking out from para­
graph (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”.

9. Section 24 of the principal Act is amended—

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

\[ S = \text{forty per centum of the annual salary of the member} \]

pensioner immediately before he became a pensioner;

and inserting in lieu thereof the item:

\[ S = \text{forty per centum of the relevant amount multiplied by} \]

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.
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.

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

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