



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 18 of 1982

An Act to amend the Parliamentary Superannuation Act, 1974-1981.

[Assented to 11 March 1982]

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 1982". Short titles.

(2) The Parliamentary Superannuation Act, 1974-1981, 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, 1974-1982".

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

3. Section 5 of the principal Act is amended—

(a) by striking out the definition of "additional salary" in subsection (1) and substituting the following definition: Amendment of s. 5— Interpretation.

"additional salary" means the annual amount payable by way of additional salary within the meaning of the Parliamentary Salaries and Allowances Act, 1965-1978, for ministerial office or for being an officer of Parliament or by way of any other remuneration for the time being declared by proclamation to be additional salary for the purposes of this Act.;

and

(b) by inserting in the definition of "salary" in subsection (1) after the word "means" the passage "the annual amount payable as".

4. Section 17 of the principal Act is amended—

(a) by striking out from subsection (2) the definition of "HS" and substituting the following definition: Amendment of s. 17— Amount of pension on retirement.

HS is the sum of BS and the amount arrived at by calculating the total amount that would have been payable to the former member by way of additional salary—

(a) upon the assumption that the rates of additional salary applicable on the date of his retirement had applied during the whole of his period of service;
and

(b) where he held prescribed offices during his period of service for a total period of more than six years—by taking into account only periods of his service for which he held prescribed office that equal in aggregate six years, those periods that would have been the most remunerative for him in terms of additional salary at the rates referred to in paragraph (a) being first taken into account and (if necessary) those periods that would have been the next most remunerative for him in terms of additional salary at those rates being next taken into account and so on until the periods equal in aggregate six years;

and

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

(2b) For the purposes of subsection (2), if a member held a prescribed office during his period of service and the prescribed office does not exist on the date of his retirement, the rate of additional salary applicable to that office on that date shall be deemed to be a rate of salary determined by the Public Actuary having regard to the rate of additional salary last applicable to that office before the date of retirement of the member and the movements (if any) in salaries and additional salaries up to date of retirement of the member.

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

5. Section 24 of the principal Act is amended—

(a) by inserting in the definition of “the appropriate factor” in subsection (3) after the passage “became a pensioner” the passage “, or, where he commuted a percentage of his pension, by the amount of the pension to which he was entitled immediately after he commuted that percentage”;

(b) by striking out paragraph (b) of the definition of “the relevant amount” in subsection (3) and substituting the following paragraph:

(b) in relation to a member who was in receipt of additional salary at any time during his service—the sum of the annual salary of the member immediately before he became a member and one-sixth of the amount arrived at by calculating the total amount that would have been payable to the member by way of additional salary—

(i) upon the assumption that the rates of additional salary applicable immediately before he became a pensioner had applied during the whole of his period of service;

and

(ii) where he held prescribed offices during his period of service for a total period of more than six years—by taking into account only periods of his service for which he held prescribed office that equal in aggregate six years, those periods that would have been the most remunerative for him in terms of additional salary at the rates referred to in subparagraph (i) being first taken into account and (if necessary) those periods that would have been the next most remunerative for him in terms of additional salary at those rates being next taken into account and so on until the periods equal in aggregate six years.;

and

(c) by inserting after subsection (4) the following subsection:

(5) For the purposes of subsection (3), if a member held a prescribed office during his period of service and the prescribed office did not exist immediately before he became a pensioner, the rate of additional salary applicable to that office immediately before he became a pensioner shall be deemed to be a rate of salary determined by the Public Actuary having regard to the rate of additional salary last applicable to that office before the member became a pensioner and the movements (if any) in salaries and additional salaries up to the date on which the member became a pensioner.

6. Section 36 of the principal Act is amended—

(a) by striking out subsections (4a), (4b) and (4c);

(b) by inserting in paragraph (c) of subsection (6) before the word “he” the passage “within three months after becoming a member or within such further period as the Trustees may allow,”;

and

(c) by inserting after subsection (7) the following subsections:

(8) Where the Trustees allow a member a further period to pay an amount under subsection (1), (3) or (6), they may impose such conditions (including a condition requiring payment of interest on that amount) as they think fit, and a member shall not be regarded as having paid that amount within the further period allowed unless he complies with those conditions.

(9) The Trustees may vary or revoke a condition under subsection (8).

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

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

K. D. SEAMAN, Governor