The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the Parliamentary Superannuation Act Amendment Act, 1989.

(2) The Parliamentary Superannuation Act, 1974, is referred to in this Act as “the principal Act”.

Commencement

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

Interpretation

3. Section 5 of the principal Act is amended—

(a) by inserting in subsection (1) after the definition of “basic salary” the following definition:

“the Board” means the South Australian Parliamentary Superannuation Board;

(b) by striking out from the definition of “contribution” in subsection (1) “to the Fund”;

(c) by striking out from paragraph (d) of the definition of “eligible child” in subsection (1) “the Trustees” and substituting “the Board”;

(d) by striking out the definition of “the Fund” in subsection (1);

and

(e) by striking out the definition of “the Trustees” in subsection (1).

Repeal of Part II and substitution of new Part

4. Part II of the principal Act is repealed and the following Part is substituted:
PART II

THE SOUTH AUSTRALIAN PARLIAMENTARY SUPERANNUATION BOARD

The Board

8. (1) The South Australian Parliamentary Superannuation Board is established.

(2) The Board is a body corporate.

(3) The Board has full juristic capacity to exercise any powers that are by their nature capable of being exercised by a body corporate.

(4) Where a document appears to bear the common seal of the Board, it will be presumed, in the absence of proof to the contrary, that the document was duly executed by the Board.

The Board's membership

9. (1) The Board consists of the following members:

(a) the President for the time being of the Legislative Council;
(b) the Speaker for the time being of the House of Assembly;
and
(c) a person appointed by the Governor on the nomination of the Treasurer.

(2) Subject to subsection (3), a person, upon ceasing to hold the office of President of the Legislative Council or Speaker of the House of Assembly, will continue as a member of the Board until his or her successor is appointed to that office.

(3) A member of the Board referred to in subsection (2) may resign from membership of the Board if he or she has ceased to be a member of Parliament.

(4) The office of the member of the Board appointed by the Governor becomes vacant if the member—

(a) dies;
(b) completes a term of office and is not reappointed;
(c) resigns by written notice to the Treasurer;
or
(d) is removed from office by the Governor on the ground of—

(i) mental or physical incapacity to carry out official duties satisfactorily;
(ii) neglect of duty;
or
(iii) misconduct.

(5) The Governor may appoint a person to fill a casual vacancy in the membership of the Board and a person so appointed will hold office as a member of the Board until the office is filled pursuant to subsection (1).

Procedure at meetings of the Board

10. (1) Subject to subsection (2), the Board may act notwithstanding vacancies in its membership.

(2) Two members constitute a quorum for a meeting of the Board.

(3) A decision in which a majority of the members of the Board present at a meeting concur is a decision of the Board.

(4) Subject to this Act, the Board may determine its own procedures.
Availability of Public Service employees

11. The Board may, with the approval of a Minister responsible for a particular administrative unit of the Public Service, make use of the staff or facilities of that administrative unit.

Report

12. (1) The Board must, on or before 30 September in each year, submit a report to the Treasurer on the operation of this Act during the financial year ending on 30 June in that year.

(2) The Treasurer must have copies of the report laid before both Houses of Parliament.

Repeal of Part III and substitution of new Part

5. Part III of the principal Act is repealed and the following Part is substituted:

PART III
CONTRIBUTIONS

Contributions by members

14. (1) Every member is liable to make contributions to the Treasurer in accordance with this Act.

(2) Contributions will be 11.5 per cent of the salary and additional salary (if any) payable to each member and must be deducted by the Treasurer when paying salary to members.

Amount of pension on retirement

6. Section 17 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (2a) “to the Fund”;

and

(b) by striking out from subparagraph (iii) of paragraph (e) of subsection (2a) “the Trustees are” and substituting “the Board is”.

Reduction of pension in certain circumstances

7. Section 19 of the principal Act is amended—

(a) by striking out from subsection (4) “the Trustees require the Trustees to pay to that person, or to those persons, out of the Fund” and substituting “the Board require the Treasurer to pay to that person, or to those persons,”;

and

(b) by striking out from the definition of “TC” in subsection (4) “paid to the Fund” and substituting “made”.

Commutation of pension

8. Section 21 of the principal Act is amended—

(a) by striking out from subsection (1) “the Trustees” and substituting “the Board”;

(b) by striking out from subsection (1b) “from the Fund”;

(c) by striking out from subsection (1c) “to the Trustees for a payment from the Fund” and substituting “to the Board for a payment”;

and

(d) by striking out from subsection (2) “the Trustees shall, out of the Fund,” and substituting “the Treasurer must”.
Other benefits

9. Section 22 of the principal Act is amended—
   (a) by striking out "from the Fund";
   and
   (b) by striking out from the definition of "TC" "paid to the Fund" and substituting "made".

Provision where contributions exceed benefits

10. Section 23 of the principal Act is amended—
   (a) by striking out "the Trustees are" and substituting "the Board is";
   and
   (b) by striking out "out of the Fund".

Pension for spouse of deceased pensioner

11. Section 24 of the principal Act is amended—
   (a) by striking out from paragraph (a) of subsection (4) "to the Fund";
   and
   (b) by striking out from subparagraph (iii) of paragraph (e) of subsection (4) "the Trustees are" and substituting "the Board is".

Payment to, or on behalf of, child

12. Section 30 of the principal Act is amended by striking out "as the Trustees direct" and substituting "as the Board directs".

Suspension of certain pensions

13. Section 34 of the principal Act is amended by striking out from paragraph (b) "to the Fund".

Provisions as to previous service

14. Section 36 of the principal Act is amended—
   (a) by striking out from paragraph (a) of subsection (1) "the Trustees may allow, repay to the Fund" and substituting "the Board allows, repay to the Treasurer";
   (b) by striking out from paragraph (a) of subsection (3) "the Trustees may allow, repay to the Fund" and substituting "the Board allows, repay to the Treasurer";
   (c) by striking out from paragraph (c) of subsection (6) "the Trustees may allow, he makes a contribution to the Fund" and substituting "the Board allows, he or she makes a contribution";
   (d) by striking out from subsection (7b) "the Trustees may allow" and substituting "the Board allows";
   (e) by striking out from paragraphs (c) and (d) of subsection (7b) "to the Fund";
   (f) by striking out from subsection (8) "the Trustees allow" and substituting "the Board allows";
   (g) by striking out from subsection (8) "they" first occurring and substituting "it";
   (h) by striking out from subsection (8) "they think" and substituting "it thinks";
   and
   (i) by striking out from subsection (9) "The Trustees" and substituting "The Board".

Repeal of s. 39 and substitution of new section

15. Section 39 of the principal Act is repealed and the following section is substituted:
Financial provision

39. (1) Contributions made pursuant to this Act must be paid into the Consolidated Account.

(2) Any money required for the purposes of this Act is payable from the Consolidated Account, which is appropriated to the necessary extent.

Insertion of schedule

16. The following schedule is inserted after section 40 of the principal Act:

FIRST SCHEDULE

Transitional Provisions

1. Subject to clause 2, the property, rights and liabilities vested in or attached to The Trustees of the Parliamentary Superannuation Fund immediately before the commencement of the Parliamentary Superannuation Act Amendment Act, 1989, vest in or attach to the Board upon the commencement of that Act.

2. The property comprising the Parliamentary Superannuation Fund immediately before the commencement of the Parliamentary Superannuation Act Amendment Act, 1989, vests in the Treasurer and the value of that property must be credited to the Consolidated Account.

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

D. B. DUNSTAN, Governor