

South Australia

Parliamentary Superannuation Act 1974

An Act to provide for the payment of superannuation benefits to persons who have served as members of Parliament; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Parliamentary Superannuation Act 1974*.

5—Interpretation

- (1) In this Act, unless the contrary intention appears—

additional salary means the amount by which the salary of a member who holds Ministerial or other Parliamentary office exceeds the basic salary of a member, and includes any remuneration declared by proclamation to be additional salary for the purposes of this Act;

basic salary of a member means—

- (a) where the member holds no Ministerial or Parliamentary office—the salary to which the member is entitled under the *Parliamentary Remuneration Act 1990*;
- (b) where the member holds a Ministerial or Parliamentary office—the salary to which the member would be entitled under the *Parliamentary Remuneration Act 1990* if the member held no such office;

the Board means the South Australian Parliamentary Superannuation Board;

child benefit means child benefit payable pursuant to Division 2 of Part 5;

contribution means any contribution paid by a member pursuant to the repealed Act or this Act;

eligible child means the child or adopted child—

- (a) of a deceased member or deceased member pensioner; or
- (b) of the spouse of a deceased member or deceased member pensioner, not being a child—
 - (i) born of a pregnancy that commenced after the death of the member or pensioner; or
 - (ii) adopted after the death of the member or pensioner;

who—

- (c) has not attained the age of 16 years; or
- (d) having attained that age, has not attained the age of 25 years and is in full time attendance at an educational institution recognised by the Board for the purposes of this Act;

former new scheme member means a person who was a new scheme member immediately before ceasing to be a member;

former old scheme member means a person who was an old scheme member immediately before ceasing to be a member;

the Fund means the Parliamentary Superannuation Fund established by this Act;

member means a member of either House of Parliament of the State, and includes a person who, having ceased to be such a member, is still in receipt of salary;

member pensioner means a former member who is entitled to a pension under this Act notwithstanding that, at the material time, payment of that pension may be suspended or the pension may be preserved under this Act;

new scheme member means a member who first became a member of either House of Parliament of the State on or after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* and includes a person who was an old scheme member who has transferred to the new scheme;

new scheme member pensioner means a member pensioner who was a new scheme member immediately before ceasing to be a member;

notional pension—

- (a) in relation to a deceased member, means the amount of pension that would have been payable to that deceased member on the day in relation to which the expression is used if—
 - (i) on the day that he died, he had retired in the circumstances referred to in section 18; and
 - (ii) he had been alive and in receipt of a pension on the day in relation to which the expression is used; and
- (b) in relation to a deceased member pensioner, means the amount of pension that would have been payable to that pensioner if he had been alive and in receipt of pension on the day in relation to which the expression is used;

old scheme member means a member who first became a member of either House of Parliament of the State before the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* but does not include a person who has transferred to the new scheme;

old scheme member pensioner means a member pensioner who was an old scheme member immediately before ceasing to be a member;

pension day, in relation to a pension, means the day on which a periodical payment of that pension is usually made;

prescribed office means an office or position in respect of which additional salary is payable;

putative spouse means—

- (a) a person who is a putative spouse within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not; or
- (b) a person in respect of whom a declaration has been made by the District Court under section 7A of this Act;

the repealed Act means the *Parliamentary Superannuation Act 1948*;

salary means basic salary (expressed as an annual salary);

service, in relation to a member, means the member's service as determined by the rules set out in section 7;

special deposit account means a special deposit account established under section 8 of the *Public Finance and Audit Act 1987*;

spouse includes a putative spouse;

spouse pension means—

- (a) a pension payable to the widow or widower of a member or former member under the repealed Act that was so payable immediately before the commencement of this Act; or
- (b) a pension payable to the spouse of a deceased member or deceased member pensioner and first payable on or after the commencement of this Act.

State includes a Territory of the Commonwealth.

- (2) The Governor may, by proclamation, declare any remuneration to which a member is entitled to be additional salary for the purposes of this Act and the Governor may, by proclamation, amend, vary or revoke any such declaration.
- (3) For the purposes of the definition of *basic salary* in subsection (1), the salary to which a member is entitled under the *Parliamentary Remuneration Act 1990* includes the amount of any contribution that the member makes towards the cost of providing an article, motor vehicle, equipment or service by way of a salary sacrifice (as contemplated by section 4A(2) of that Act).

6—Voluntary and involuntary retirement

- (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 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; or
 - (B) his expulsion from a political party; or
 - (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 or the Commonwealth (being an election not later than the next general election for that Parliament occurring after he ceased to be a member).
- (3) Where a member ceases to be a member otherwise than—
 - (a) by death; or
 - (b) by retirement in circumstances specified in section 18; or
 - (c) in circumstances referred to in subsection (1),

that member shall, for the purposes of this Act, be deemed to have retired voluntarily.

- (4) In this section—

judge means a judge of the Supreme Court nominated by the Governor to deal with matters arising under this section.

7—Computation of service

In computing the length of a member's service the following rules shall be observed:

- (a) if a member is elected to Parliament between the 28th day of February and the 1st day of August in any year, except in the case of such a member elected to fill a casual vacancy, his service shall be reckoned from the 1st day of March of that year; and

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- (b) if a member ceases to be a member of Parliament by reason of a dissolution taking place within 2 months before the expiration of the House of Assembly by effluxion of time, his service shall be deemed to continue until the day on which the House of Assembly would have so expired; and
 - (c) service whether occurring before or after the commencement of this Act shall be taken into account; and
 - (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 36 that former period of service is to be counted as service for the purposes of this Act; and
 - (e) subject to this section and section 36, only the actual service of a member shall be regarded as service.

7A—Putative spouses

- (1) For the purposes of this Act, two persons of the same sex were, on a certain date, the putative spouses one of the other if the District Court has made a declaration under this section that they were, on that date, cohabiting with each other in a relationship that has the distinguishing characteristics of a relationship between a married couple (except for the characteristics of different sex and legally recognised marriage and other characteristics arising from either of those characteristics) and that they—
 - (a) had so cohabited with each other continuously for the period of five years immediately preceding that date; or
 - (b) had during the period of six years immediately preceding that date so cohabited with each other for periods aggregating not less than five years.
- (2) A person whose rights depend on whether—
 - (a) he or she and another person; or
 - (b) two other persons,were, on a certain date, putative spouses one of the other may apply to the District Court for a declaration under this section.
- (3) If it is proved to the satisfaction of the Court that the persons in relation to whom the declaration under this section is sought did, on the date in question, fulfil the requirements of subsection (1), the Court must make a declaration accordingly.
- (4) A declaration may be made under this section—
 - (a) whether or not one or both of the persons in relation to whom the declaration is sought are, or have ever been, domiciled in this State; or
 - (b) despite the fact that one or both of them are dead.
- (5) It must not be inferred from the fact that the Court has declared that two persons were putative spouses one of the other, on a certain date, that they were putative spouses as at any prior or subsequent date.

7B—Restriction on publication of court proceedings

- (1) **Protected information** is information relating to an application under section 7A (including images) that identifies, or may lead to the identification of—
 - (a) an applicant; or
 - (b) a person who is related to, or associated with, an applicant or is, or is alleged to be, in any other way connected in the matter to which the application relates; or
 - (c) a witness in the hearing of the application.
- (2) A person who publishes protected information is guilty of an offence.
Maximum penalty: \$5 000 or imprisonment for 1 year.
- (3) A person who discloses protected information knowing that, in consequence of the disclosure, the information will, or is likely to, be published is guilty of an offence.
Maximum penalty: \$5 000 or imprisonment for 1 year.
- (4) This section does not apply to—
 - (a) the publication or disclosure of material—
 - (i) by the District Court or an employee of the Courts Administration Authority (so long as such publication or disclosure is made in connection with the administrative functions of the Court); or
 - (ii) for purposes associated with the administration of this Act; or
 - (b) the publication in printed or electronic form of material that—
 - (i) consists solely or primarily of the reported judgements or decisions of the Court; or
 - (ii) is of a technical nature designed primarily for use by legal practitioners.
- (5) In this section—

newspaper means a newspaper, journal, magazine or other publication that is published at periodic intervals;

publish means publish by newspaper, radio or television, or on the internet, or by some other similar means of communication to the public.

Part 2—The South Australian Parliamentary Superannuation Board

8—The Board

- (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.

9—The Board's membership

- (1) The Board consists of the following members:
- (a) the President for the time being of the Legislative Council; and
 - (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; or
 - (b) completes a term of office and is not reappointed; or
 - (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; or
 - (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).

10—Procedure at meetings of the Board

- (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.

11—Availability of Public Service employees

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.

12—Report

- (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.

Part 2A—The Parliamentary Superannuation Fund

13—The Fund

- (1) The Parliamentary Superannuation Fund is established.
- (2) The assets of the Fund belong (both at law and in equity) to the Crown.
- (3) The Fund is subject to the management and control of the Superannuation Funds Management Corporation of South Australia.
- (4) The Treasurer must pay into the Fund from the Consolidated Account (which is appropriated to the necessary extent) or from a special deposit account established by the Treasurer for that purpose—
 - (a) periodic contributions reflecting the contributions paid to the Treasurer by members; and
 - (b) periodic contributions to ensure that members' entitlements are fully funded as they accrue.
- (5) The Treasurer must transfer to the Fund the balance of the special deposit account into which members' contributions made before 1 July 1998 and other amounts for the funding of the schemes under this Act have been paid.
- (6) All interest and accretions arising from investment of the Fund must be paid into the Fund.
- (7) The following amounts will be paid from the Fund:
 - (a) any reimbursement of the Consolidated Account or a special deposit account that the Treasurer charges against the Fund in pursuance of this Act; and
 - (b) the administrative costs and other expenses related to the management and investment of the Fund; and
 - (c) the other costs of administering this Act.
- (8) The Superannuation Funds Management Corporation of South Australia must determine the value of the Fund as at the end of each financial year.

Part 2B—Members' contribution accounts

13A—Members' contribution accounts

- (1) The Board must maintain contribution accounts in the names of all members.
- (2) A member's contribution account must be credited with the amount of contributions made by the member and must be debited with any payment that is, in pursuance of this Act, to be charged against the account.

- (3) The amount of the opening balance of the contribution account of a person who was a member on 1 July 1998 is the amount that would have been the balance of the member's notional contribution account if that balance had been determined as at 30 June 1998 under section 21B before that section was repealed.

13B—Accretions to members' accounts

- (1) At the end of each financial year, each member's contribution account that has a credit balance will be adjusted to reflect a rate of return determined by the Board in relation to members' accounts for the relevant financial year.
- (2) In determining a rate of return for the purposes of subsection (1), the Board should have regard to—
 - (a) the net rate of return achieved by investment of the Fund over the financial year; and
 - (b) the desirability of reducing undue fluctuations in the rate of return on members' accounts.
- (3) Where, in pursuance of subsection (2)(b), the Board determines a rate of return that is at variance with the net rate of return achieved by investment of the Fund, the Board must include its reasons for the determination in its report for the relevant financial year.
- (4) Where it is necessary to determine the balance of a member's account and the Board has not yet determined a rate of return in relation to the relevant financial year, the balance will be determined by applying a percentage rate of return on accounts estimated by the Board.
- (5) A balance determined under subsection (4) will not be adjusted when a rate of return is subsequently determined under subsection (1).
- (6) A reference in this section to *rate of return* is a reference to a positive or a negative rate of return.

Part 3—Contributions

14—Contributions by members

- (1) Every member is liable to make contributions to the Treasurer in accordance with this Act.
- (2) Subject to subsection (3), 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.
- (3) The contribution payable by a member whose period of service is equal to or exceeds 20 years and one month is 5.75 per cent of the member's basic salary and 11.5 per cent of the member's additional salary (if any).

Part 4—Pension and benefits for former members

Division 1—Entitlement to pension

16—Entitlement to a pension on retirement

A former member who—

- (a) has retired involuntarily, having had not less than 6 years service; or
- (b) has retired voluntarily—
 - (i) having had not less than 15 years service; or
 - (ii) having been a member of not less than four Parliaments and having had not less than 13 years service; or
- (c) having attained the age of 60 years, has retired voluntarily having had not less than 6 years service,

shall, on and from the day next succeeding the day on which he retired, be entitled to a pension for life in an amount calculated by reference to this Division.

17—Amount of pension for old scheme member pensioners

- (1) Subject to this section, the amount of annual pension payable to a former old scheme member referred to in section 16 shall be an amount equal to 41.2 per cent of the salary payable to him immediately before he ceased to be a member plus 0.2 per cent of that salary for each whole month of the member's service after 6 years service but the annual pension shall not, in any case, exceed 75 per cent of that salary.
- (2) Where a former old scheme 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 6 years service in subsection (1) were a reference to 8 years service;

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 6 years—by taking into account only periods of his service for which he held prescribed office that equal in aggregate 6 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 6 years;

BS is an amount equal to 6 times the salary applicable to the member on the date of his retirement.

17A—Amount of pension for new scheme member pensioners

- (1) Subject to this section, the amount of the annual pension payable to a former new scheme member referred to in section 16 is—
- (a) 41.2 per cent of the salary payable to the former member immediately before he or she ceased to be a member plus 0.2 per cent of that salary for each completed month of service in addition to the first six years of service of the former member; and
- (b) where the former member held a prescribed office at any time during his or her service—a percentage, calculated in accordance with the following formula, of the additional salary (expressed as an annual amount) payable in respect of the prescribed office on the date of the former member's retirement:

$$P = 6.25 \times \frac{M}{12}$$

Where—

P is the percentage of the additional salary

M is the number of complete months during which the former member held the prescribed office.

- (2) Where—
- (a) a former new scheme member had been a member of the Parliament of another State or the Commonwealth before becoming a member of the South Australian Parliament; and
- (b) the former member is entitled to a pension in respect of his or her service as a member of that other Parliament,

the former member's period of service as a member of that other Parliament will be counted as service for the purposes of section 16 and the amount of the annual pension (if any) payable to the former new scheme member under this Act will be—

- (c) 0.2 per cent of the salary payable to the former member immediately before he or she ceased to be a member for each completed month of the member's service in the South Australian Parliament; and

- (d) where the former member held a prescribed office at any time during his or her service in the South Australian Parliament—a percentage, calculated in accordance with the formula in subsection (1)(b), of the additional salary (expressed as an annual amount) payable in respect of the prescribed office on the date of the former member's retirement.
- (3) If the former member held two or more prescribed offices during his or her service, the pension under subsection (1) or (2) will include a percentage of the additional salary payable in respect of each office calculated under subsection (1)(b).
- (4) The component of the pension determined under subsection (1)(a) or (2)(c) cannot exceed 75 per cent of the former member's salary immediately before he or she ceased to be a member.
- (5) The component of the pension determined under subsection (1)(b) or (2)(d) cannot exceed 75 per cent of the additional salary payable in respect of the prescribed office on the date of the former member's retirement but, if the former member held two or more such offices, the component cannot exceed 75 per cent of the highest of the salaries attached to those offices on the date of the former member's retirement.
- (6) Where, in relation to a particular period—
- (a) a new scheme member pensioner who has not reached the age of 60 years is receiving, or would but for this subsection be entitled to receive, a pension under this section; and
- (b) the pensioner is also receiving or entitled to receive income from remunerative activities engaged in by the pensioner or another person is receiving or entitled to receive income from remunerative activities engaged in by the pensioner,

the pension payable in respect of that period will be reduced by one dollar for each two dollars of income referred to in paragraph (b).

- (7) In the application of subsection (6), income that does not comprise money will be taken to have the monetary value determined by the Board.
- (8) In this section—

income includes goods, services and any other thing of value;

remunerative activity engaged in by a pensioner means an activity of the pensioner that produces income for the benefit of the pensioner or for the benefit of another person either at the pensioner's direction or by means of a company, trust or other device used by the pensioner to direct the income to the other person.

17B—Supplementary provisions

- (1) If a member held a prescribed office during the member's period of service and the prescribed office does not exist on the date of the member's retirement, the rate of additional salary applicable to that office on that date for the purposes of this Division will be taken to be a rate of salary determined by the Board 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 the date of retirement of the member.

- (2) If—
- (a) a member held a prescribed office during the member's period of service; and
 - (b) the additional salary payable in respect of that prescribed office is, in comparison with the additional salaries payable in respect of other prescribed offices, proportionately less on the date of the member's retirement than it was at any time at which the member actually held that office; and
 - (c) the Board is of the opinion that a determination under this subsection is necessary in order to avoid substantial injustice,

the rate of additional salary applicable to that office on the date of the member's retirement for the purposes of this Division will be taken to be the rate of salary determined by the Board on the assumption that the additional salary in question had not been reduced in comparison to additional salaries payable in respect of other prescribed offices.

18—Invalidity retirement

- (1) Where a member satisfies a judge that he is unable to continue as a member on the grounds of invalidity, that member shall, on and from the day next succeeding the day on which he so satisfies that judge, be entitled to an annual pension for life ascertained by reference to subsection (2).
- (2) The amount of annual pension referred to in subsection (1) shall be—
 - (a) in the case of a member who had less than 6 years service, the amount of annual pension that he would have received ascertained by reference to section 17 or 17A if, on the day on which he so satisfied the judge, he had retired involuntarily having, on that day, attained 6 years service; or
 - (b) in any other case, the amount of annual pension ascertained by reference to section 17 or 17A that he would have received if, on the day on which he so satisfied the judge, he had retired involuntarily.
- (3) In this section—

judge means a judge of the Supreme Court nominated by the Governor to deal with matters arising under this section.

19—Reduction of pension in certain circumstances

- (1) Where a member pensioner occupies a prescribed office or position, the pension payable to the member pensioner pursuant to this Act shall be reduced by the amount of the salary, or other remuneration, paid in respect of that office or position.
- (2) Subject to subsections (2a) and (2b), where a member pensioner, or the member pensioner's spouse or child or another person, becomes entitled to superannuation or a retirement allowance by virtue of the member pensioner having held or occupied a prescribed office or position, any pension or child benefit payable under this Act to the member pensioner, the member pensioner's spouse or child or that other person shall be reduced by the prescribed amount.

Parliamentary Superannuation Act 1974—18.12.2003 to 14.9.2005

Part 4—Pension and benefits for former members

Division 1—Entitlement to pension

- (2a) A pension payable under section 17A(2) to a former new scheme member and a pension or child benefit payable under this Act to such a former member's spouse or child or to any other person in relation to such a former member will not be reduced under subsection (2) because of the pension payable to, or in relation to, the former member in respect of his or her service as a member of the other Parliament referred to in section 17A(2).
- (2b) A pension payable under this Act to a member pensioner to whom section 19A applies and the pension or child benefit payable under this Act to the spouse or child of such a member pensioner or to any other person in relation to such a member pensioner will not be reduced under subsection (2).
- (3) For the purposes of subsection (2), the prescribed amount is—
- (a) where the whole of the superannuation or retirement allowance referred to in that subsection is paid to the member pensioner, the member pensioner's spouse or child or another person by way of a pension and no part of it has been paid by way of a lump sum—the pension so paid;
 - (b) where, as the result of an election made by the member pensioner, the member pensioner's spouse or child or that other person, the whole or a part of that superannuation or retirement allowance is paid as a lump sum—the amount of the pension that would have been payable in respect of that superannuation or retirement allowance if that election had not been made;
 - (c) where, without an election being made, the whole or a part of that superannuation or retirement allowance is paid as a lump sum—the amount determined in accordance with the following formula:

$$PA = P + \frac{LS}{10}$$

where—

PA is the prescribed amount expressed as an annual pension;

P is that part (if any) (expressed as an annual pension) of the superannuation or retirement allowance that is paid as a pension;

LS is the lump sum that was paid in total or partial satisfaction of the entitlement of the member pensioner (or of the member pensioner's spouse or child or another person) to the superannuation or retirement allowance.

- (4) Where a pension or child benefit is reduced pursuant to this section, the person entitled (or who would have been entitled but for the reduction) or, where 2 or more persons are so entitled, all of those persons acting together, may by notice in writing to the Board require the Treasurer to pay to that person, or to those persons, an amount ascertained by reference to the following formula:

$$A = [TC(1 + .03[N - 1])] - P$$

where—

A is the amount expressed in dollars and cents;

TC is the total contributions expressed in dollars and cents made by the member pensioner under this Act or under the repealed Act other than any such contributions that have been refunded to the member pensioner and have not been repaid;

N is one or the number of whole years of service of the member pensioner whichever is the greater;

P is the total of all pensions and benefits (if any) received by the member pensioner, his spouse or an eligible child in respect of the member pensioner under this Act and under the repealed Act,

and upon payment of that amount no further pension or benefit shall be paid to, or in respect of, the member pensioner.

- (5) A notice referred to in subsection (4) may be given on behalf of a child who is under the age of 18 years by the child's parent or guardian.
- (6) A payment under subsection (4) shall—
 - (a) if made to a spouse and a child or children—be divided between them as to $\frac{3}{4}$ to the spouse and as to $\frac{1}{4}$ to the child or children;
 - (b) if made only to children—be divided equally between them.

- (7) In this section—

prescribed office or position means an office or position established under the law of this State, the Commonwealth, another State of the Commonwealth or a Territory of the Commonwealth which has been declared by regulation to be a prescribed office or position for the purposes of this section.

19A—Preservation of pension in certain circumstances

- (1) This section applies to, and in relation to, a member pensioner if the member pensioner—
 - (a) is deemed to have retired (whether before or after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995*) involuntarily because of election to the Parliament of another State or the Commonwealth; and
 - (b) —
 - (i) the superannuation scheme available to the member pensioner as a member of that other Parliament does not provide for the member pensioner to be credited with his or her service as a member of the South Australian Parliament; or
 - (ii) the superannuation scheme available to the member pensioner as a member of that other Parliament provides for the member pensioner to make an election under which he or she will not be credited with that service and the member pensioner makes that election.
- (2) If a member pensioner to whom this section applies has not reached the age of 55 years at the time of his or her retirement or at the time of making the election referred to in subsection (1)(b)(ii), the pension payable to the pensioner under this Act is preserved.

- (3) Where a pension is preserved by subsection (2) the following provisions apply:
- (aa) the Board must, not less than 6 months before the member pensioner's 55th birthday, notify the member pensioner in writing of the member pensioner's entitlement to require the payment of a pension under paragraph (a);
 - (a) the member pensioner may, at any time after reaching the age of 55 years, require the Board to commence paying the pension to the member pensioner and if no such requirement has been made on or before the date on which the member pensioner reaches 60 years of age, the Board will commence payment of the pension;
 - (b) if the member pensioner satisfies the Board that he or she has ceased to be a member of the Parliament referred to in subsection (1), the Board will commence payment of the pension,
- (and a payment under paragraph (a) or (b) excludes further rights so that a claim cannot be subsequently made under the other paragraph).

20—Cessation of pension

- (1) If a member pensioner again becomes a member of either House of Parliament, the pension payable to that pensioner shall cease and determine.
- (2) The previous service of a member whose pension has ceased and determined pursuant to subsection (1) shall be counted as service for the purposes of this Act.

Division 2—Commutation of pension

21—Commutation of pension

- (1) Subject to this Division, a former old scheme member who is entitled to a pension under this Act may, by notice in writing to the Board, elect to commute a percentage of that pension, not exceeding the maximum percentage of that pension ascertained by reference to Schedule 2.
- (1a) Subject to this Division, a former new scheme member who is in receipt of a pension or who is entitled to receive a pension under this Act may, by notice in writing to the Board, elect to commute the whole of the pension or such lesser proportion of it as he or she thinks fit.
- (1b) A member pensioner who is deemed by this Act to have retired involuntarily by virtue of seeking and obtaining election to the Parliament of another State or the Commonwealth may not commute a pension under subsection (1) or (1a) unless, on ceasing to be a member of that Parliament—
 - (a) the member pensioner is not entitled to superannuation or a retirement allowance by virtue of having been a member of that Parliament; or
 - (b) no part of the superannuation or retirement allowance to which the member pensioner is entitled by virtue of having been a member of that Parliament is attributable to his or her period of service as a member of the South Australian Parliament.
- (1c) A member pensioner who wishes to commute a percentage of the pension must do so within 3 months after first becoming so entitled.

- (2) Where a member pensioner elects to commute a percentage of his pension pursuant to this section, the Treasurer must pay to the member pensioner an amount equal to \$10 for each \$1 of annual pension so commuted.

21A—Application of section 21 to certain member pensioners

In the application of section 21 to an old scheme member pensioner who has had not less than 20 years service, Schedule 2 shall apply and have effect as if for the expressions "30%", "34%" and "38%" there were substituted, in each case, the expression "40%".

21AA—Commutation to pay deferred superannuation contributions surcharge

- (1) The Board will, on the application of a former old scheme or new scheme member who is entitled to a pension and who is liable for a deferred superannuation contributions surcharge, commute so much of the pension as is required to provide a lump sum equivalent to the amount of the surcharge.
- (2) An application under subsection (1) must be made in writing to the Board before the expiration of the period of three months immediately following the date on which the notice given to the former member by the Commissioner of Taxation under section 15(7) of the Commonwealth Act was issued.
- (3) Where—
- (a) —
 - (i) an old scheme or new scheme member, or a former old scheme or new scheme member, who is liable for a deferred superannuation contributions surcharge dies before notice by the Commissioner of Taxation under section 15(7) of the Commonwealth Act is issued; or
 - (ii) a former old scheme or new scheme member who is liable for a deferred superannuation contributions surcharge dies within three months after the issue of such a notice without having commuted his or her pension under subsection (1); and
 - (b) the former member is survived by a spouse who is entitled to a pension as the former member's spouse under this Act,

the Board will, subject to subsection (5) on the application of the spouse, commute so much of the spouse's pension as is required to provide a lump sum equivalent to the amount of the surcharge.

- (4) An application under subsection (3) must be made in writing to the Board before the expiration of the period of six months immediately following the former member's death or the issue of the notice under section 15(7) of the Commonwealth Act, whichever is the later.
- (5) The Board must not commute a pension under subsection (3) unless it is satisfied that the resulting lump sum will be applied in payment of the surcharge or be used to reimburse the deceased former member's estate or the spouse or other person who has paid the surcharge on behalf of the estate.
- (6) The commutation factors to be applied in the commutation of a pension under this section will be determined by the Treasurer on the recommendation of an actuary.

(7) If the Board is satisfied that—

- (a) a former member, or the spouse of a member or former member, is entitled to commute the whole of his or her pension under section 21 or 26AA and has done so except for a part that the former member or spouse wishes to retain for the purpose of commutation under this section in order to pay the former member's deferred superannuation contributions surcharge; and
- (b) after commutation under this section for that purpose there will still be a part of the pension remaining uncommuted; and
- (c) the part of the pension originally retained for commutation under this section was a reasonable estimate of the amount of the pension that would be required for that purpose,

the Board will, on the application of the former member or spouse made at the same time as his or her application under subsection (1) or (3), commute the remaining uncommuted part of the pension using the factors applicable under section 21 or 26AA.

(8) In this section—

actuary means a Fellow or Accredited Member of the Institute of Actuaries of Australia;

the Commonwealth Act means the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997*;

deferred superannuation contributions surcharge in relation to a member means the amount that the member is liable to pay to the Commissioner under section 15(6) of the Commonwealth Act.

Division 3—Other benefits

22—Other benefits under the old scheme

- (1) Where an old scheme member ceases to be a member and no pension or other benefit under this Act is payable to, or in relation to, the former member, there is payable to the former member a lump sum equivalent to the balance standing to the credit of the former member's contribution account.

22A—Other benefits under the new scheme

- (1) Where a new scheme member ceases to be a member and no pension or other benefit under this Act is payable to, or in relation to, the former member, the following benefits are payable to the former member:
 - (a) a lump sum made up of an employee component and an employer component; and
 - (b) where the former member retired involuntarily—a lump sum calculated in accordance with subsection (6).
- (2) The values of the components referred to in subsection (1)(a) are as follows:
 - (a) the value of the employee component is equal to the balance standing to the credit of the former member's contribution account;

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- (b) the value of the employer component is—
- (i) if the employee component is to be paid to or in respect of the former member at the same time as the employer component—equal to the value of the employee component;
 - (ii) in any other case—equal to the amount that would be the value of the employee component if it were paid when the employer component is paid.
- (2a) The value of the employee component under subsection (2) in respect of a former member who ceased to be a member before 1 July 1998 will be determined as follows:
- (a) the balance standing to the credit of the former member's notional contribution account as at 30 June 1998 will be determined under section 21B as though that section had not been repealed;
 - (b) the value of the former member's employee component for the purposes of subsection (2) will be taken to be the balance of the former member's notional contribution account referred to in paragraph (a) adjusted under section 13B as though it were the former member's contribution account.
- (3) If the former member had reached the age of 55 years when he or she ceased to be a member both components are payable to the member.
- (4) If the former member had not reached that age when he or she ceased to be a member, the former member may—
- (a) in the case of the employee component, elect—
 - (i) to take the component immediately; or
 - (ii) to preserve the component; or
 - (iii) to carry the component over to some other superannuation fund or scheme approved by the Board;
 - (b) in the case of the employer component, elect—
 - (i) to preserve the component; or
 - (ii) to carry the component over to some other superannuation fund or scheme approved by the Board.
- (4a) A former member who fails to inform the Board in writing of his or her election under subsection (4)(a) or (b) within three months after he or she ceases to be a member will be taken to have elected to preserve the employee or the employer component (as the case requires).
- (4b) If the Board is of the opinion that the limitation period referred to in subsection (4a) would unfairly prejudice the former member, the Board may extend the period as it applies to the former member.
- (4c) Where the former member elects to carry over the employee or the employer component to an approved superannuation fund or scheme, the following provisions apply:
- (a) the former member must satisfy the Board by such evidence as it may require that he or she has been admitted to membership of the fund or scheme; and

- (b) on being so satisfied the Board will authorise payment of the component on behalf of the former member to the fund or scheme.
- (5) The following provisions apply to the payment of a component preserved by or under subsection (4):
- (aa) the Board must, not less than 6 months before the former member's 55th birthday, notify the former member in writing of the former member's entitlement to require payment of the component under paragraph (a);
 - (a) the former member may at any time after reaching 55 years of age require the Board to pay the component to him or her and, if no such requirement has been made on or before the date on which the former member reaches 65 years of age, the Board will make the payment;
 - (b) if the former member satisfies the Board that he or she has become totally and permanently incapacitated for work, the Board will pay the component to the former member;
 - (c) if the former member satisfies the Board that he or she is suffering financial hardship and that the Board should pay the component to the former member to relieve that hardship, the Board will pay the component to the former member;
 - (d) if the former member dies, the component will be paid to the spouse of the deceased former member or, if he or she left no surviving spouse, to the former member's estate,

(and a payment under any of the above paragraphs excludes further rights so that a claim cannot be subsequently made under some other paragraph).

- (5a) A former member who has elected, or has been taken to have elected, to preserve his or her employee or employer component and to whom the component has not been paid under this section, may elect to withdraw that election and to elect to carry the component over to some other superannuation fund or scheme approved by the Board.
- (6) The lump sum referred to in subsection (1)(b) is calculated as follows:

$$LS = \frac{S}{12} \times \frac{M}{12}$$

Where—

LS is the lump sum

S is the salary payable to the former member immediately before he or she retired

M is the number of complete months of the former member's period of service.

- (7) A benefit is not payable under subsection (6) to a former member who is deemed to have retired involuntarily by reason of having been elected to the Parliament of another State or the Commonwealth.

23—Provision where contributions exceed benefits

Where a member or former member is dead and the Board is satisfied that no pension or benefit is payable, or no further pension or benefit is payable, to any spouse or person who is, or may become, an eligible child in relation to that member or former member and the total contributions paid by that member or former member under this Act and under the repealed Act exceed the total benefits paid in relation to that member or former member, then there shall be payable to the legal personal representative of that deceased member or former member the amount by which those contributions exceed those benefits.

Part 4A—Family Law Act provisions

23A—Purpose of this Part

The purpose of this Part is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests between spouses who have separated.

23B—Interpretation

In this Part, unless the contrary intention appears—

Commonwealth regulations means the *Family Law (Superannuation) Regulations 2001* (No. 303 as amended) of the Commonwealth;

eligible person, in relation to the superannuation interest of a member, has the same meaning as in section 90MZB of the *Family Law Act 1975* of the Commonwealth;

flag lifting agreement has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

growth phase has the same meaning as in the Commonwealth regulations;

member spouse has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

non-member spouse has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

operative time has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

payment phase has the same meaning as in the Commonwealth regulations;

payment split has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

relevant date has the same meaning as in the Commonwealth regulations;

scheme means the superannuation scheme for members under this Act;

SIS Act means the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth;

Southern State Superannuation Fund means the fund of that name established under the *Southern State Superannuation Act 1994*;

splitting instrument means—

- (a) a superannuation agreement; or

- (b) a flag lifting agreement that provides for a payment split; or
- (c) a splitting order;

splitting order has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

superannuation agreement has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth.

23C—Accrued benefit multiple

- (1) For the purposes of the Commonwealth regulations, the *accrued benefit multiple* for a pension payable in respect of a superannuation interest of a member is determined as follows:

- (a) if the member has not attained 6 years of service at the prescribed date:

$$\frac{.412 \times T1}{T2}$$

where—

T1 is the number of days in the period beginning on the day on which the member joined the scheme and ending on the prescribed date

T2 is the number of days in the period beginning on the day on which the member joined the scheme and ending on the sixth anniversary of that day;

- (b) if the member has attained 6 years of service at the prescribed date:

$$.412 + \left[\frac{.338 \times T1}{T2} \right]$$

where—

T1 is the number of days in the period beginning on the day immediately following the sixth anniversary of the day on which the member joined the scheme and ending on the prescribed date or on the 14 year 1 month anniversary of the day on which the member attained 6 years of service, whichever is the earlier

T2 is the number of days in the period beginning on the day immediately following the sixth anniversary of the day on which the member joined the scheme and ending on the 14 year 1 month anniversary of the day on which the member attained 6 years of service.

- (2) In addition to any other information that may be provided by the Board in connection with this Part, the Board may, on application, provide to an eligible person a statement of the value of a superannuation interest of a member spouse, as at a particular date specified in the application.
- (3) In this section—

prescribed date is the date that is relevant to the determination of an accrued benefit multiple in the particular circumstances.

23D—Value of superannuation interest

- (1) For the purposes of this Part (but subject to subsection (2)), the value of any superannuation interest will be determined in accordance with Part 5 of the Commonwealth regulations (insofar as those regulations provide a method for determining that value), subject to any modification prescribed by regulation under this Act.
- (2) An approval of the Commonwealth Minister under regulation 38 or 43A of the Commonwealth regulations that relates to a superannuation interest under this Act will have effect for the purposes of this Part.

23E—Non-member spouse's entitlement

- (1) Subject to subsection (2), the Board must, on service of a splitting instrument, create an interest for the non-member spouse named in the instrument.
- (2) If the member spouse has less than 6 years service at the time of service of the splitting instrument on the Board, the Board will create the interest for the non-member spouse when—
 - (a) the member spouse attains 6 years of service; or
 - (b) the member spouse ceases to be a member of the Parliament,whichever first occurs.
- (3) The form of the non-member spouse's interest will be determined on the basis of whether the superannuation interest is in the growth phase or the payment phase, by the nature of the member spouse's superannuation interest, and by reference to the provisions of the instrument.

23F—Non-member spouse's entitlement where pension is in growth phase

- (1) If the Board is served with a splitting instrument in respect of a pension that is in the growth phase, the non-member spouse is not entitled to receive his or her entitlement in the form of a pension commencing at the same time as the member spouse's pension under this Act but is, instead, (subject to section 23E(2)) entitled to have a lump sum determined under this section paid on his or her behalf in accordance with this Part.
- (2) The lump sum to which the non-member spouse is entitled, as at the operative time, will be determined—
 - (a) where the splitting instrument specifies a percentage of the member spouse's superannuation interest for the purposes of the split—by applying that percentage split to the member spouse's superannuation interest based on the relevant accrued benefit multiple and by applying any relevant method or factor that applies under section 23D;
 - (b) subject to subsection (3), where the splitting instrument specifies a lump sum amount for the purposes of the split—by adopting that lump sum.
- (3) The value of a lump sum payable to a non-member spouse under this section must not exceed the value of the member spouse's interest.

23G—Non-member spouse's entitlement where pension is in payment phase

- (1) If the Board is served with a splitting instrument in respect of a pension that is in the payment phase, the Board must divide the pension between the member spouse and non-member spouse in accordance with the instrument, with effect from the operative time.
- (2) The non-member spouse may—
 - (a) —
 - (i) in accordance with the terms of the splitting instrument; or
 - (ii) by notice in writing given to the Board within the prescribed period, elect to have the whole of his or her share of the superannuation interest determined under subsection (1) converted to (and taken as) a separate pension entitlement (to be referred to as an *associate pension* for the purposes of this Act) for the lifetime of the non-member spouse; or
 - (b) by notice in writing given to the Board within the prescribed period, elect to have the whole of his or her share of the superannuation interest determined under subsection (1) commuted to a lump sum.
- (3) The following provisions will apply with respect to an associate pension:
 - (a) the amount of the pension will be determined by applying the methods and factors prescribed by the regulations;
 - (b) no derivative, reversionary or other rights will arise or continue on account of an entitlement to the pension after the death of the non-member spouse.
- (4) A lump sum under subsection (2)(b) will be determined by applying the methods and factors prescribed by the regulations.
- (5) If the non-member spouse is taking his or her entitlement as a pension (other than an associate pension) and there is a reduction in the member spouse's pension under this Act, there will be a corresponding reduction in the non-member spouse's pension.
- (6) If the non-member spouse is taking his or her entitlement as a pension (other than an associate pension) and the payment of the member spouse's pension ceases, there will be a corresponding cessation in the payment of the non-member spouse's pension.
- (7) If the non-member spouse dies while entitled to, or in receipt of, a pension under this section (other than an associate pension), the non-member spouse's legal representative may, by notice in writing given to the Board within the prescribed period, elect to have the pension commuted to a lump sum.
- (8) A lump sum under subsection (7) will be determined by applying the methods and factors prescribed by the regulations to the non-member spouse's entitlement.
- (9) In this section—

legal representative, in relation to a deceased non-member spouse, means a person—

 - (a) holding office as executor of the will of the deceased non-member spouse where probate of the will has been granted or resealed in South Australia or any other State or a Territory; or
 - (b) holding office in South Australia or any other State or a Territory as administrator of the estate of the deceased non-member spouse.

23H—Payment of non-member spouse's entitlement

- (1) If the interest of a non-member spouse created under this Part after service of a splitting instrument or after the commutation of a pension payable to the non-member spouse is a lump sum, the interest will, according to the election of the non-member spouse—
 - (a) be paid out to the extent (if any) that payment can be made in accordance with the SIS Act; or
 - (b) be rolled over to the credit of the non-member spouse in an account (which may need to be established) in the name of the non-member spouse in the Southern State Superannuation Fund; or
 - (c) be rolled over or transferred to some other superannuation fund or scheme approved by the Board.
- (2) The Board must take the action required under subsection (1) within 28 days after receiving the relevant election.
- (3) However, if an election is not made by the non-member spouse before the end of 28 days after the Board gives notice to the non-member spouse in the manner contemplated by the regulations, the Board must, subject to the regulations, roll over the interest to the credit of the non-member spouse under subsection (1)(b).
- (4) If the interest of a non-member spouse created under this Part after service of a splitting instrument is a pension (and the non-member spouse has not directed that the pension be commuted to a lump sum), the Board must split the relevant pension within the prescribed period after receipt of the splitting instrument (with effect from the relevant date), and begin to make the payments in accordance with the regulations (subject to any cessation of payment of the member spouse's pension).

23I—Reduction in member's entitlement

- (1) Despite the other provisions of this Act, if a payment split is payable with respect to the superannuation interest of a member, there is a corresponding reduction in the entitlement of the member under this Act.
- (2) A reduction in the entitlement of a member will be given effect as follows:
 - (a) the member's contribution account will be subject to a charge that takes effect by reducing the balance of that account at the operative time (insofar as a balance exists) by a percentage equal to the percentage that the non-member's share in the relevant superannuation interest bears to the total value of the member's accrued superannuation benefit at the operative time (and any relevant method or factor that applies under section 23D will be applied); and
 - (b) except with respect to a pension in the payment phase, any entitlement in respect of a pension in the growth phase and any component in the nature of an employer-funded component of a superannuation benefit payable to the member after the creation of the relevant interest for the benefit of the non-member spouse will, as from the operative date, be reduced by a percentage equal to the percentage that the non-member's share in the relevant superannuation interest bears to the total value of the member's accrued superannuation benefit at the operative time (and any relevant method or factor that applies under section 23D will be applied); and

- (c) any pension in the payment phase will, depending on the terms of the splitting instrument, be reduced by—
 - (i) the value of the non-member spouse's share in the relevant superannuation interest; or
 - (ii) the percentage of the relevant superannuation interest to be shared with the non-member spouse.
- (3) A reduction in the entitlement of a member will not extend to any superannuation benefit that is not a splittable payment under Part VIII B of the *Family Law Act 1975* of the Commonwealth.
- (4) If 2 or more reductions must be made with respect to an entitlement of a member because 2 or more splitting instruments have been served on the Board, the Board may determine to apply the reductions separately, or in aggregate.

23J—Pension not payable to spouse on death of member if split has occurred

If a member or former member dies and is survived by a spouse who has received, is receiving or is entitled to receive a benefit under a splitting instrument, the spouse is not entitled to a benefit under this Act in respect of the deceased member (except in accordance with the instrument) and will not be considered to be a spouse of the deceased person for the purposes of section 36A (if relevant).

23K—Board to comply with Commonwealth requirements

The Board must comply with the requirements imposed on the Board under Part VIII B of the *Family Law Act 1975* of the Commonwealth.

23L—Fees

- (1) The Board may fix fees in respect of matters in relation to which fees may be charged under regulation 59 of the Commonwealth regulations.
- (2) Any fee fixed under subsection (1) that is payable by a member spouse or a non-member spouse and has not been paid within 1 month of the amount becoming payable may be deducted by the Board—
 - (a) if the outstanding fee is payable by a member spouse—
 - (i) from the member spouse's contribution account; or
 - (ii) from any benefit payable to the member spouse under this Act; or
 - (b) if the outstanding fee is payable by a non-member spouse—
 - (i) from any interest that is to be rolled over or transferred to a fund for the benefit of the non-member spouse; or
 - (ii) from any other benefit payable to the non-member spouse under this Act.

Part 5—Pension for spouse and child benefit

Division 1—Pension for spouse

24—Pension for spouse of deceased old scheme member pensioner

- (1) Where an old scheme member pensioner dies, there shall be payable to the spouse of that former member pensioner—
- (a) an annual pension equal to 75 per cent of the notional pension of that pensioner on the day that he died; or
 - (b) an annual pension equal to the prescribed amount,
- whichever is the greater.

- (2) In this section—

prescribed amount means—

- (a) where the member pensioner had commuted a percentage of his pension, an amount ascertained by reference to the following formula:

$$A = \frac{(100 - P) \times S}{100}$$

where—

A is the amount expressed in dollars and cents;

P is the percentage of the pension so commuted;

S is 40 per cent of the relevant amount multiplied by the appropriate factor; or

- (b) where the member pensioner had not commuted a percentage of his pension, an amount equal to 40 per cent of the relevant amount multiplied by the appropriate factor; or
- (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.

- (3) In this section—

the appropriate factor means a factor arrived at by dividing the amount of the notional pension of the member pensioner on the day of his death by the amount of the pension to which he was entitled when he became a member pensioner, 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:

the relevant amount means—

- (a) in relation to a member pensioner who was not in receipt of additional salary at any time during his service—the annual salary of the member pensioner immediately before he became a member pensioner; or

- (b) in relation to a member pensioner who was in receipt of additional salary at any time during his service—the sum of the annual salary of the member pensioner immediately before he became a member pensioner and $\frac{1}{6}$ of the amount arrived at by calculating the total amount that would have been payable to the member pensioner by way of additional salary—
 - (i) upon the assumption that the rates of additional salary applicable immediately before he became a member 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 6 years—by taking into account only periods of his service for which he held prescribed office that equal in aggregate 6 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 6 years.
- (4) For the purposes of subsection (3)—
 - (a) if a member pensioner had not elected to make contributions 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;
 - (b) if a member pensioner held a prescribed office during the member pensioner's period of service and the prescribed office did not exist immediately before the member pensioner became a member pensioner, the rate of additional salary applicable to that office immediately before the member pensioner became a member pensioner shall be deemed to be a rate of salary determined by the Board having regard to the rate of additional salary last applicable to that office before the member pensioner became a member pensioner and the movements (if any) in salaries and additional salaries up to the date on which the member pensioner became a member pensioner;
 - (c) if—
 - (i) a member pensioner held a prescribed office during the member pensioner's period of service; and
 - (ii) the additional salary payable in respect of that prescribed office was, in comparison with the additional salaries payable in respect of other prescribed offices, proportionately less, immediately before the member pensioner became a member pensioner, than it was at any time at which the member pensioner actually held that office; and
 - (iii) the Board is of the opinion that a determination under this paragraph is necessary in order to avoid substantial injustice,

the rate of additional salary applicable to that office immediately before the member pensioner became a member pensioner shall be deemed to be the rate of salary determined by the Board on the assumption that the additional salary in question had not been reduced in comparison to additional salaries payable in respect of other prescribed offices.

25—Pension for spouse of deceased old scheme member

- (1) Where an old scheme member dies, there shall be payable to the spouse of that member—
 - (a) an annual pension equal to 75 per cent of the pension that would have been payable to the former member if, on the day that he died, he had retired in the circumstances referred to in section 18; or
 - (b) an annual pension equal to 40 per cent of the relevant amount, whichever is the greater.
- (2) In this section—

the relevant amount has the same meaning as in section 24.

25A—Pension for spouse of new scheme member pensioner

- (1) An annual pension is payable to the spouse of a deceased new scheme member pensioner.
- (2) The pension is equal to 75 per cent of the pension payable to the member pensioner immediately before he or she died or that would have been payable to the member pensioner if his or her pension had not been preserved, reduced or suspended under this Act.

25B—Pension for spouse of deceased new scheme member

- (1) Where a new scheme member dies an annual pension is payable to the spouse of the deceased member.
- (2) The pension is the greater of the following:
 - (a) an annual pension equal to 75 per cent of the pension that would have been payable to the former member if, on the day on which he or she died, he or she had retired in the circumstances referred to in section 18;
 - (b) an annual pension equal to 75 per cent of 41.2 per cent of the salary payable to the member immediately before he or she died.

25C—Interpretation

- (1) For the purposes of this Division, a former member will be taken to have been a member when he or she died if a judge is satisfied that, upon the expiration of the member's term of office or upon the member's resignation, the member 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 or the Commonwealth (being an election not later than the next general election for that Parliament occurring after the former member ceased to be a member) but that the member died before the election took place.

- (2) In this section—

judge means a judge of the Supreme Court nominated by the Governor to deal with matters arising under this section.

26—Spouse pension

A spouse pension payable under this Division shall be payable for the life of the spouse.

26AAA—Spouse entitlement subject to any Family Law determination

A surviving spouse will not be entitled to a benefit under this Division where section 23J applies to the spouse and the amount of any benefit payable to any other spouse must take into account any reduction that has been made under section 23I.

Division 1A—Commutation of spouse pension

26AA—Commutation of pension

- (1) The spouse of a deceased member or deceased member pensioner who is entitled to a pension under Division 1 may, by notice in writing to the Board within six months after first becoming entitled to the pension, elect to commute the whole of the pension or such lesser proportion of the pension as he or she thinks fit.
- (2) The amount of the lump sum payable on commutation of a pension under subsection (1) will be determined by the application of the commutation factors set out in Schedule 3.
- (3) When determining the amount of the lump sum payable on commutation the applicable commutation factor must be adjusted proportionately to the age of the spouse expressed in years and completed months.
- (4) A person who became entitled to a pension under this Division on or after 1 January 1993 but before the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* may by notice in writing to the Board within six months after the commencement of that Act, elect to commute the pension in accordance with this section.

Division 2—Child benefit

26A—Certain former members deemed members at time of death

For the purposes of this Division, a former member shall be deemed to have been a member at death if a judge is satisfied that, upon the expiration of the member's term of office or upon the member's resignation, the member 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 or the Commonwealth (being an election not later than the next general election for that Parliament occurring after the former member ceased to be a member) but that the member died before the election took place.

27—Determination of child benefit

For the purposes of sections 28 and 29, the amount of child benefit for each eligible child deriving his entitlement for a child benefit from a member or member pensioner shall be determined—

- (a) on each occasion on which a person becomes entitled to a child benefit derived from that member or pensioner; and
- (b) on the number of persons entitled to a child benefit derived from that member or pensioner diminishing; and
- (c) on each occasion on which pensions are adjusted pursuant to section 35.

28—Child benefit, general

- (1) Except as is provided in section 29, there shall be payable in respect of each person who becomes an eligible child in relation to a deceased member or deceased member pensioner a child benefit ascertained in the manner provided by subsection (2).
- (2) The child benefit referred to in subsection (1) shall, subject to subsection (3), be a payment in respect of each eligible child of an amount—
 - (a) in the case of 1 or 2 eligible children, equal to $\frac{1}{3}$ of the prescribed amount; and
 - (b) in the case of 3 or more such eligible children, equal to the prescribed amount divided by the number of eligible children.
- (3) In this section—

prescribed amount is an amount equal to the difference between the amount of the notional pension of the deceased member or member pensioner from whom the entitlement to a child benefit is derived and the amount of the spouse pension payable to the spouse of the deceased member or deceased member pensioner.

29—Child benefit where no spouse's pension payable

- (1) There shall be payable in respect of each person who becomes an eligible child in relation to a deceased member or deceased member pensioner, where a pension deriving from that deceased member or deceased pensioner is not payable to a spouse of that member or pensioner, a child benefit ascertained in the manner provided by subsection (2).
- (2) The child benefit referred to in subsection (1) shall, subject to subsection (3) be a payment in respect of each such eligible child of an amount—
 - (a) in the case of 1 eligible child, equal to 45 per cent of the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived; and
 - (b) in the case of 2 such eligible children, equal to 40 per cent of the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived; and
 - (c) in the case of 3 such eligible children, equal to 30 per cent of the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived; and

- (d) in the case of 4 or more such eligible children, equal to the notional pension for the time being of the member or member pensioner from whom the entitlement to a child benefit is derived divided by the number of such children.

30—Payment to, or on behalf of, child

An amount payable under this Act to a person who is, or was, an eligible child may, if that person is under the age of 18 years, be paid—

- (a) to that person; or
- (b) to that person's parent or guardian on that person's behalf,

as the Board directs.

31—Cessation of child benefit

A child benefit under this Division shall cease to be payable in respect of a person who is an eligible child on that person ceasing to be an eligible child.

Part 5A—Benefit payable to member's estate

31A—Benefits payable to estate

- (1) Where a member dies and a pension or other benefit is not payable under this Act to the spouse or a child of the member, a lump sum is payable to the member's estate that is the greater of the following amounts:
 - (a) the amount that would be produced by the commutation of two-thirds of the former member's notional pension using the commutation factors set out in Schedule 3;
 - (b) an amount that would be produced by commutation of two-thirds of 41.2 per cent of the former member's salary immediately before his or her death using the commutation factors set out in Schedule 3.
- (2) When determining the amount that would be produced on commutation, the applicable commutation factor must be adjusted proportionately to the age of the deceased member when he or she died expressed in years and completed months.

Part 6—Adjustment of pensions

Division 1—Pensioners under repealed Act

32—Pensions to continue

Subject to this Act, every pension that was payable under the repealed Act immediately before the commencement of this Act shall continue to be payable under this Act.

33—Spouse pension continued

A spouse pension continued under section 32 shall be payable for the life of the spouse.

34—Suspension of certain pensions

Where a former member became entitled to a pension under the repealed Act and, by reason of section 14(2) of that Act, that former member was not entitled to receive that pension until he attained the age of 50 years and, immediately before the commencement of this Act—

- (a) that former member has not attained the age of 50 years; and
- (b) that former member has not elected to receive a refund of his contributions,

that former member shall be entitled to receive a pension for life at a rate equal to the rate that would have been payable if, on the day on which he had been entitled to that pension, he had received that pension.

Division 2—Future adjustment

35—Adjustment of pensions

- (1) The Board must adjust the amount of pensions under this Act from the first payment of pension in each adjustment period to reflect—
 - (a) in the case of an April adjustment period—the percentage variation (rounded to two decimal places) between the Consumer Price Index for the immediately preceding December quarter and the Consumer Price Index for the immediately preceding June quarter; and
 - (b) in the case of an October adjustment period—the percentage variation (rounded to two decimal places) between the Consumer Price Index for the immediately preceding June quarter and the Consumer Price Index for the immediately preceding December quarter.
- (2) A pension must be adjusted notwithstanding that it is not payable, or part of it is not payable, at the time of the adjustment because it is preserved, reduced (except on account of commutation) or suspended.
- (3) If on the first day of the relevant adjustment period, the pension has been payable for a period of less than six months, the extent of the adjustment will be reduced to reflect the proportion which the period of payment of the pension bears to six months.
- (4) To avoid a reduction in pensions the Treasurer may direct that subsection (1) does not apply in relation to a particular adjustment period.
- (5) In that event an adjustment in the next adjustment period in relation to which subsection (1) applies will be based on the variation between the Consumer Price Index for the June or December quarter (whichever is applicable) immediately preceding that period and the Consumer Price Index for the June or December quarter (whichever is applicable) immediately preceding the adjustment period in relation to which subsection (1) last applied.
- (6) In this section—

adjustment period means the period of six months commencing at the commencement of 1 April and 1 October in each year;

April adjustment period means an adjustment period commencing at the commencement of 1 April in any year;

the Consumer Price Index means the Consumer Price Index (All groups index for Adelaide);

October adjustment period means an adjustment period commencing at the commencement of 1 October in any year.

Part 6A—Transference from the old scheme to the new scheme

35A—Transference

- (1) An old scheme member may by notice in writing to the Board elect to transfer to the new scheme.
- (2) The member's period of service and contributions as an old scheme member will be credited to the member as a new scheme member.
- (3) An election is made—
 - (a) by enclosing the notice of election in a sealed envelope that includes the following statement on the front of the envelope:

"This envelope contains an election under section 35A of the *Parliamentary Superannuation Act 1974* and must not be opened until after the polling day referred to in that section"; and
 - (b) by delivering the envelope to the Board on or before the day preceding the poll for the first general election of the House of Assembly after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995* or by posting the envelope to the Board so as to be received by the Board in the ordinary course of post on or before that day.
- (4) A person who opens an envelope in contravention of the statement referred to in subsection (3)(a) appearing on the front of the envelope is guilty of an offence.
Penalty: \$10 000.

Part 7—Miscellaneous

36—Provisions as to previous service

- (1) Where a former member has received a payment under section 22 of this Act or a refund under section 18 of the repealed Act and that former member again becomes a member, then—
 - (a) that former member shall, within 3 months after again becoming such a member or within such further period as the Board allows, repay to the Treasurer the amount so paid or refunded; and
 - (b) upon such payment being made, the previous service of that former member in respect of which that payment was made shall be counted as service for the purposes of this Act.
- (2) Where a former member, not being a former member referred to in subsection (1) or a member pensioner, again becomes a member, the previous service of that former member shall be counted as service for the purposes of this Act.

- (3) Where a member pensioner again becomes a member, that member pensioner—
- (a) shall, within 3 months after again becoming such a member or within such further period as the Board allows, repay to the Treasurer an amount equal to the prescribed amount; and
 - (b) upon such payment being made, the previous service of that member pensioner in respect of which that payment was made shall be counted as service for the purposes of this Act.

- (4) In subsection (3)—

member pensioner means a member pensioner who has been paid an amount pursuant to section 21(2);

prescribed amount, in relation to a member pensioner, means an amount determined by reference to the following formula:

$$A = C - (P - LP)$$

where—

A is the amount expressed in dollars and cents;

C is the amount received by the member pensioner pursuant to Division 2 of Part 4;

P is the total amount of pension that the member pensioner would have received in respect of the prescribed period if he had not received an amount pursuant to Division 2 of Part 4 in relation to that period;

LP is the total amount of pension that the member pensioner received in respect of the prescribed period;

prescribed period means the period commencing on and including the day on which the member pensioner last became a member pensioner and concluding on and including the day on which the member pensioner again became a member.

- (5) In this section, a reference to a former member or member pensioner who again becomes a member shall be read as including a reference to a former member who again becomes a member before the commencement of this Act.
- (6) Where—
- (a) a member has been a member of the Parliament of the Commonwealth or another State; and
 - (b) the member became a member within the period of 4 years after ceasing or last ceasing to be a member of such other Parliament; and
 - (ba) the member is not entitled to a pension but has received or is entitled to a lump sum in respect of his or her period of service as a member of that other Parliament; and
 - (c) within 3 months after becoming a member or within such further period as the Board allows, he or she makes a contribution 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 11.5 per cent 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.

(7a) Where—

- (a) a member stands for re-election but is not returned as having been re-elected; and
- (b) the Court of Disputed Returns subsequently declares the member to have been duly elected at that election or it declares the election void and the member is elected at the subsequent by-election; and
- (c) the member complies with the requirements of subsection (7b),

the member's period of service for the purposes of this Act shall include—

- (d) previous service that the member was, at the termination of the member's immediately preceding period of service, entitled to have counted as service under this Act; and
- (e) the period during which the member was unable to take his or her seat in Parliament by reason of not being returned as elected in the first instance.

(7b) The member shall, within 3 months—

- (a) after a declaration by the Court of Disputed Returns that the member has been duly elected; or
- (b) after the member's re-election following a declaration by the Court that the original election was void,

or within such further period as the Board allows—

- (c) make a contribution of an amount equal to 11.5 per cent of the salary that was lost by reason of the fact that the member was not returned as elected in the first instance; and
- (d) repay an amount equal to the amount (if any) paid to the member pursuant to this Act (whether by way of a pension or a lump sum, or both, or by way of a payment pursuant to Division 3 of Part 4) following the return made at the election.

(8) Where the Board allows a member a further period to pay an amount under subsection (1), (3), (6) or (7b), it may impose such conditions (including a condition requiring payment of interest on that amount) as it thinks 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 Board may vary or revoke a condition under subsection (8).

(10) Where a former old scheme member or an old scheme member pensioner again becomes a member on or after the commencement of the *Parliamentary Superannuation (New Scheme) Amendment Act 1995*, in circumstances referred to in this section, the member is an old scheme member.

36A—Division of benefit where deceased member is survived by lawful and putative spouses

- (1) If a deceased member, or deceased member pensioner, is survived by a lawful spouse and a putative spouse, any benefit to which a surviving spouse is entitled under this Act will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse.
- (2) Where a number of periods of cohabitation are to be aggregated for the purpose of determining an aggregate period of cohabitation for the purpose of subsection (1), any separate period of cohabitation of less than three months will be disregarded.
- (3) A surviving spouse must, at the request of the Board, furnish it with any information that it requires for the purposes of making a division under subsection (1).
- (4) A putative spouse is not entitled to any benefit under this section, unless the deceased member, or member pensioner, and that spouse were putative spouses as at the date of the member's, or the member pensioner's, death.
- (5) Where—
 - (a) a deceased member, or member pensioner, is survived by a lawful and a putative spouse;
 - (b) a benefit is paid to one of them on the assumption that he or she is the sole surviving spouse of the deceased,

the other spouse has no claim on the benefit insofar as it has been already paid unless that spouse gave the Board notice of his or her claim before the date of payment.

36B—Power to obtain information

- (1) The Board may, from time to time, require an employing authority, employee or new scheme member pensioner to supply the Board with any information that it reasonably requires for the purposes of this Act.
- (2) The Board may require an employee or new scheme member pensioner to verify information supplied under this section by statutory declaration.
- (3) If a new scheme member pensioner fails to comply with a requirement under this section, the Board may suspend payment of the pension until the requirement is complied with.
- (4) A person who—
 - (a) fails to comply with a requirement under subsection (1); or
 - (b) supplies information in response to such a requirement that is false or misleading in a material particular,is guilty of an offence.
Penalty: \$10 000.
- (5) Where a member pensioner commits an offence against subsection (4), the Board may expel the member pensioner from membership of the scheme and, in that event, no further benefit will be payable under this Act to or in relation to the former member pensioner.

- (6) Notwithstanding subsection (5), an amount equivalent to the excess (if any) of the contributions paid by the former member pensioner under this Act over the amount of the pension and any other benefits paid to the former member pensioner will be paid to him or her or to his or her estate.
- (7) In this section—

employing authority in relation to an employee means—

 - (a) the chief executive officer to whom the employee is answerable on matters relating to his or her employment;
 - (b) if there is no such officer—the authority, body or person to whom the employee is answerable.

37—Payment of pensions

- (1) Payment of annual pensions and child benefit under this Act shall be by means of equal periodical payments determined by the Board.
- (2) Pensions under this Act shall be apportionable in point of time.

38—Pensions not assignable

Pensions and other rights under this Act shall not be assigned or charged or pass by operation of law.

39—Financial provision

- (1) Money required for the purposes of this Act is payable by the Treasurer from the Consolidated Account (which is appropriated to the necessary extent) or from a special deposit account established by the Treasurer for that purpose.
- (2) The Treasurer may reimburse the Consolidated Account or special deposit account in respect of benefits paid to, or in respect of, a member or former member under subsection (1) by charging the Fund with the amount of those benefits.

39A—Confidentiality

- (1) A member or former member of the Board or the board of directors of the Superannuation Funds Management Corporation of South Australia, or a person employed or formerly employed in the administration of this Act, must not divulge information as to the entitlements or benefits of any person under this Act except—
 - (a) as required by or under any Act of the State or the Commonwealth; or
 - (b) to, or with the consent of, that person; or
 - (c) to an employee of either House of Parliament of the State for purposes related to the administration of this Act; or
 - (d) to any other person for purposes related to the administration of this Act; or
 - (e) as may be required by a court.

Maximum penalty: \$10 000.

- (2) A member or former member of the Board or the board of directors of the Superannuation Funds Management Corporation of South Australia, or a person employed or formerly employed in the administration of this Act, must not divulge information if to do so is inconsistent with a requirement imposed on the trustee of an eligible superannuation plan under Part VIIIIB of the *Family Law Act 1975* of the Commonwealth.

Maximum penalty: \$10 000.

- (3) This section does not prevent the disclosure of statistical or other information related to members generally or to a class of members rather than to an individual member.

40—Regulations

- (1) The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for the administration of this Act or for giving effect to the objects of this Act.
- (2) Without limiting subsection (1), the regulations may make any provision that is necessary in view of the provisions of Part VIIIIB of the *Family Law Act 1975* of the Commonwealth, including by modifying the operation of any provision of this Act in prescribed circumstances in order to ensure that this Act operates in a manner that is consistent with, and complementary to, the requirements of that Commonwealth Act.

Schedule 1—Transitional provision

1—Transitional provision

An amendment made by a provision of the *Statutes Amendment (Equal Superannuation Entitlements for Same Sex Couples) Act 2003* to a provision of this Act that provides for, or relates to, the payment of a pension, lump sum or other benefit to a person on the death of a member, or former member, applies only if the death occurs on or after 3 July 2003.

Schedule 2—Table showing maximum percentage of pension that may be commuted

Age of member pensioner on birthday next following day on which he first becomes entitled to elect to commute a percentage of pension	Maximum Percentage
45 years or less	75%
46 years	72½%
47 years	70%
48 years	67½%
49 years	65%
50 years	62½%
51 years	60%
52 years	57½%
53 years	55%
54 years	52½%

Parliamentary Superannuation Act 1974—18.12.2003 to 14.9.2005

Schedule 2—Table showing maximum percentage of pension that may be commuted

Age of member pensioner on birthday next following day on which he first becomes entitled to elect to commute a percentage of pension	Maximum Percentage
55 years	50%
56 years	46%
57 years	42%
58 years	38%
59 years	34%
60 years or more	30%

Schedule 3—Commutation factors for spouse pensions

Age of spouse at time of commutation	Amount of lump sum for each dollar of annual pension commuted
50 or under	\$11.50
50 — 55	\$11.50 — \$11.00
55 — 60	\$11.00 — \$ 9.75
60 — 65	\$ 9.75 — \$ 8.50
65 — 70	\$ 8.50 — \$ 7.25
70 — 80	\$ 7.25 — \$ 4.75
80 — 90	\$ 4.75 — \$ 2.25
90 — 100	\$ 2.25 — \$ 0.00

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1974	15	<i>Parliamentary Superannuation Act 1974</i>	4.4.1974	4.4.1974 (<i>Gazette 4.4.1974 p1132</i>)
1974	79	<i>Parliamentary Superannuation Act Amendment Act 1974</i>	31.10.1974	31.10.1974
1978	7	<i>Parliamentary Superannuation Act Amendment Act 1978</i>	9.3.1978	1.6.1978 (<i>Gazette 1.6.1978 p1878</i>)
1978	112	<i>Parliamentary Superannuation Act Amendment Act (No. 2) 1978</i>	7.12.1978	21.12.1978 (<i>Gazette 21.12.1978 p2307</i>)
1981	4	<i>Parliamentary Superannuation Act Amendment Act 1981</i>	26.2.1981	21.10.1982 (<i>Gazette 21.10.1982 p1162</i>) except s 7—21.12.1978: s 2(2)
1982	18	<i>Parliamentary Superannuation Act Amendment Act 1982</i>	11.3.1982	21.10.1982 (<i>Gazette 21.10.1982 p1160</i>)
1985	105	<i>Parliamentary Superannuation Act Amendment Act 1985</i>	7.11.1985	21.11.1985 (<i>Gazette 21.11.1985 p1542</i>) except s 10(c) & (d)—1.7.1979: s 2(3)
1986	14	<i>Statute Law Revision Act 1986</i>	20.3.1986	Sch 6—1.9.1986 (<i>Gazette 7.8.1986 p474</i>)
1989	21	<i>Parliamentary Superannuation Act Amendment Act 1989</i>	27.4.1989	11.5.1989 (<i>Gazette 11.5.1989 p1252</i>)
1992	18	<i>Parliamentary Superannuation (Miscellaneous) Amendment Act 1992</i>	7.5.1992	7.5.1992
1992	69	<i>Statutes Amendment (Public Actuary) Act 1992</i>	19.11.1992	10.12.1992 (<i>Gazette 10.12.1992 p1752</i>)
1995	59	<i>Parliamentary Superannuation (New Scheme) Amendment Act 1995</i>	3.8.1995	24.8.1995 (<i>Gazette 24.8.1995 p499</i>)
1997	25	<i>Statutes Amendment (Superannuation) Act 1997</i>	10.4.1997	Pt 3 (s 6)—24.4.1997 (<i>Gazette 24.4.1997 p1618</i>)
1998	20	<i>Statutes Amendment (Adjustment of Superannuation Pensions) Act 1998</i>	2.4.1998	Pt 3 (s 5)—1.10.1997: s 2
1999	8	<i>Parliamentary Superannuation (Establishment of Fund) Amendment Act 1999</i>	18.3.1999	1.7.1998: s 2

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1999	23	<i>Statutes Amendment (Commutation for Superannuation Surcharge) Act 1999</i>	1.4.1999	1.4.1999
2001	40	<i>Statutes Amendment (Indexation of Superannuation Pensions) Act 2001</i>	3.8.2001	Pt 4 (s 7)—1.1.2002: s 2
2003	13	<i>Statutes Amendment (Equal Superannuation Entitlements for Same Sex Couples) Act 2003</i>	12.6.2003	Pt 2 (ss 4 & 5)—3.7.2003 (<i>Gazette</i> 3.7.2003 p2877)
2003	21	<i>Statutes Amendment (Notification of Superannuation Entitlements) Act 2003</i>	17.7.2003	Pt 2 (ss 4 & 5)—17.8.2003: s 2
2003	34	<i>Parliamentary Remuneration (Powers of Remuneration Tribunal) Amendment Act 2003</i>	31.7.2003	31.7.2003
2003	49	<i>Statutes Amendment (Division of Superannuation Interests under Family Law Act) Act 2003</i>	20.11.2003	Pt 3 (ss 6—9) and Sch 1—18.12.2003 (<i>Gazette</i> 18.12.2003 p4527)
2005	43	<i>Parliamentary Superannuation (Scheme for New Members) Amendment Act 2005</i>	21.7.2005	s 47—3.7.2003: s 2(2); Pt 2 (ss 4—46) and Sch 1—uncommenced

Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 785.
- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 September 1986. A Schedule of these alterations was laid before Parliament on 16 September 1986.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	3.7.2003
ss 3 and 4	<i>deleted by 14/1986 s 3(1) (Sch 6)</i>	1.9.1986
s 5		
s 5(1)		
additional salary	substituted by 18/1982 s 3(a)	21.10.1982
	substituted by 14/1986 s 3(1) (Sch 6)	1.9.1986
basic salary	inserted by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 34/2003 Sch cl 1(1)	31.7.2003
the Board	inserted by 21/1989 s 3(a)	11.5.1989
complying superannuation fund	inserted by 43/2005 s 4(1)	uncommenced—not incorporated
contribution	amended by 21/1989 s 3(b)	11.5.1989

death insurance benefit	inserted by 43/2005 s 4(2)	uncommenced—not incorporated
deferred superannuation contributions surcharge	inserted by 43/2005 s 4(2)	uncommenced—not incorporated
<i>determination day</i>	<i>deleted by 59/1995 s 3(a)</i>	24.8.1995
eligible child	amended by 21/1989 s 3(c) amended by 43/2005 s 4(3), (4)	11.5.1989 uncommenced—not incorporated
former new scheme member	inserted by 59/1995 s 3(b) deleted by 43/2005 s 4(5)	24.8.1995 uncommenced—not incorporated
former old scheme member	inserted by 59/1995 s 3(b) deleted by 43/2005 s 4(5)	24.8.1995 uncommenced—not incorporated
former PSS 1 member	inserted by 43/2005 s 4(5)	uncommenced—not incorporated
former PSS 2 member	inserted by 43/2005 s 4(5)	uncommenced—not incorporated
the Fund	deleted by 21/1989 s 3(d) inserted by 8/1999 s 3(a)	11.5.1989 1.7.1998
invalidity insurance benefit	inserted by 43/2005 s 4(6)	uncommenced—not incorporated
judge member	inserted by 43/2005 s 4(6) amended by 43/2005 s 4(7)	uncommenced—not incorporated uncommenced—not incorporated
member pensioner	amended by 59/1995 s 3(c) amended by 43/2005 s 4(8)	24.8.1995 uncommenced—not incorporated
new scheme member	inserted by 59/1995 s 3(d) deleted by 43/2005 s 4(9)	24.8.1995 uncommenced—not incorporated
new scheme member pensioner	inserted by 59/1995 s 3(d) deleted by 43/2005 s 4(9)	24.8.1995 uncommenced—not incorporated
non-participating member	inserted by 43/2005 s 4(9)	uncommenced—not incorporated
notional pension	amended by 43/2005 s 4(10)	uncommenced—not incorporated
old scheme member	inserted by 59/1995 s 3(e) deleted by 43/2005 s 4(11)	24.8.1995 uncommenced—not incorporated
old scheme member pensioner	inserted by 59/1995 s 3(e) deleted by 43/2005 s 4(11)	24.8.1995 uncommenced—not incorporated
prescribed office	inserted by 112/1978 s 3	21.12.1978
PSS 1	inserted by 43/2005 s 4(12)	uncommenced—not incorporated
PSS 2	inserted by 43/2005 s 4(12)	uncommenced—not incorporated
PSS 3	inserted by 43/2005 s 4(12)	uncommenced—not incorporated
PSS 1 member	inserted by 43/2005 s 4(12)	uncommenced—not incorporated

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PSS 1 member pensioner	inserted by 43/2005 s 4(12)	uncommenced—not incorporated
PSS 2 member	inserted by 43/2005 s 4(12)	uncommenced—not incorporated
PSS 2 member pensioner	inserted by 43/2005 s 4(12)	uncommenced—not incorporated
PSS 3 member	inserted by 43/2005 s 4(12)	uncommenced—not incorporated
putative spouse	inserted by 13/2003 s 4	3.7.2003
the repealed Act	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
salary	amended by 18/1982 s 3(b)	21.10.1982
	substituted by 14/1986 s 3(1) (Sch 6)	1.9.1986
SIS Act	inserted by 43/2005 s 4(13)	uncommenced—not incorporated
special deposit account	inserted by 8/1999 s 3(b)	1.7.1998
spouse	substituted by 59/1995 s 3(f)	24.8.1995
spouse pension	amended by 43/2005 s 4(14)	uncommenced—not incorporated
State	inserted by 59/1995 s 3(g)	24.8.1995
Superannuation Contributions Tax Act	inserted by 43/2005 s 4(15)	uncommenced—not incorporated
superannuation salary sacrifice	inserted by 43/2005 s 4(15)	uncommenced—not incorporated
surcharge notice	inserted by 43/2005 s 4(15)	uncommenced—not incorporated
<i>the Trustees</i>	<i>deleted by 21/1989 s 3(e)</i>	<i>11.5.1989</i>
s 5(2)	amended by 34/2003 Sch cl 1(2)	31.7.2003
s 5(3)	inserted by 34/2003 Sch cl 1(3)	31.7.2003
	amended by 43/2005 s 4(16)	uncommenced—not incorporated
s 6		
s 6(1)	substituted by 4/1981 s 3(a)	21.10.1982
	amended by 59/1995 s 4	24.8.1995
s 6(2)	<i>deleted by 4/1981 s 3(a)</i>	<i>21.10.1982</i>
	<i>inserted by 43/2005 s 5(1)</i>	<i>uncommenced—not incorporated</i>
s 6(3)	amended by 4/1981 s 3(b)	21.10.1982
	amended by 43/2005 s 5(2), (3)	uncommenced—not incorporated
s 6(4)	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	deleted by 43/2005 s 5(4)	uncommenced—not incorporated
s 7	amended by 112/1978 s 4	21.12.1978
	amended by 43/2005 s 6(1)—(4)	uncommenced—not incorporated
ss 7A and 7B	inserted by 13/2003 s 5	3.7.2003
ss 7C—7F	inserted by 43/2005 s 7	uncommenced—not incorporated
Pt 2	amended by 105/1985 ss 3 and 4	21.11.1985
	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	substituted by 21/1989 s 4	11.5.1989
Pt 2A	inserted by 8/1999 s 4	1.7.1998
s 13		

s 13(3a)	inserted by 43/2005 s 8(1)	uncommenced—not incorporated
s 13(4)	amended by 43/2005 s 8(2)	uncommenced—not incorporated
Pt 2B	inserted by 8/1999 s 4	1.7.1998
s 13AB	inserted by 43/2005 s 9	uncommenced—not incorporated
s 13B		
s 13B(1)	amended by 43/2005 s 10(1)	uncommenced—not incorporated
s 13B(2)	substituted by 43/2005 s 10(2)	uncommenced—not incorporated
s 13B(2a) and (2b)	inserted by 43/2005 s 10(2)	uncommenced—not incorporated
s 13B(3)	amended by 43/2005 s 10(3)	uncommenced—not incorporated
s 13C	inserted by 43/2005 s 11	uncommenced—not incorporated
Pt 3 before substitution by 43/2005	amended by 7/1978 s 3	1.6.1978
	amended by 112/1978 ss 5, 6	21.12.1978
	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	substituted by 21/1989 s 5	11.5.1989
s 14		
s 14(2)	amended by 59/1995 s 5(a)	24.8.1995
s 14(3)	inserted by 59/1995 s 5(b)	24.8.1995
Pt 3	substituted by 43/2005 s 12	uncommenced—not incorporated
Pt 4		
Pt 4 Div 1		
s 15	inserted by 43/2005 s 13	uncommenced—not incorporated
s 16	amended by 18/1992 s 2	7.5.1992
	amended by 59/1995 s 6	24.8.1995
	amended by 43/2005 s 14	uncommenced—not incorporated
s 17		
s 17(1)	amended by 112/1978 s 7(a)	21.12.1978
	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 59/1995 s 7(a)	24.8.1995
	amended by 43/2005 s 15(1)	uncommenced—not incorporated
s 17(2)	substituted by 112/1978 s 7(b)	21.12.1978
	amended by 18/1982 s 4(a)	21.10.1982
	amended by 59/1995 s 7(b)	24.8.1995
	amended by 43/2005 s 15(2)	uncommenced—not incorporated
s 17(2a)	<i>inserted by 112/1978 s 7(b)</i>	<i>21.12.1978</i>
	<i>substituted by 105/1985 s 5</i>	<i>21.11.1985</i>
	<i>amended by 21/1989 s 6</i>	<i>11.5.1989</i>
	<i>amended by 69/1992 s 19</i>	<i>10.12.1992</i>
	<i>deleted by 59/1995 s 7(c)</i>	<i>24.8.1995</i>
s 17(2b)	<i>inserted by 18/1982 s 4(b)</i>	<i>21.10.1982</i>
	<i>deleted by 105/1985 s 5</i>	<i>21.11.1985</i>
s 17(3) and (4)	<i>deleted by 59/1995 s 7(c)</i>	<i>24.8.1995</i>
s 17A	inserted by 59/1995 s 8	24.8.1995

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s 17A(1)	amended by 43/2005 s 16(1)	uncommenced—not incorporated
s 17A(2)	amended by 43/2005 s 16(2), (3)	uncommenced—not incorporated
s 17A(6)	amended by 43/2005 s 16(4)	uncommenced—not incorporated
s 17B	inserted by 59/1995 s 8	24.8.1995
s 18		
s 18(1)	amended by 43/2005 s 17(1), (2)	uncommenced—not incorporated
s 18(2)	amended by 112/1978 s 8	21.12.1978
	amended by 59/1995 s 9	24.8.1995
s 18(3)	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	deleted by 43/2005 s 17(3)	uncommenced—not incorporated
s 19	amended by 7/1978 s 4	1.6.1978
	amended by 4/1981 s 4	21.10.1982
	substituted by 105/1985 s 6	21.11.1985
s 19(2)	amended by 59/1995 s 10(a)	24.8.1995
s 19(2a)	inserted by 59/1995 s 10(b)	24.8.1995
	amended by 43/2005 s 18	uncommenced—not incorporated
s 19(2b)	inserted by 59/1995 s 10(b)	24.8.1995
s 19(4)	amended by 21/1989 s 7	11.5.1989
s 19A	inserted by 59/1995 s 11	24.8.1995
s 19A(3)	amended by 21/2003 s 4	17.8.2003
s 19A(4)	inserted by 43/2005 s 19	uncommenced—not incorporated
s 20		
s 20(1)	amended by 43/2005 s 20(1)	uncommenced—not incorporated
s 20(2)	deleted by 43/2005 s 20(2)	uncommenced—not incorporated
Pt 4 Div 2		
s 21		
s 21(1)	amended by 105/1985 s 7(a)	21.11.1985
	amended by 21/1989 s 8(a)	11.5.1989
	amended by 59/1995 s 12(a)	24.8.1995
	amended by 43/2005 s 21(1)	uncommenced—not incorporated
s 21(1a)	inserted by 105/1985 s 7(b)	21.11.1985
	substituted by 59/1995 s 12(b)	24.8.1995
	amended by 43/2005 s 21(2)	uncommenced—not incorporated
s 21(1b)	inserted by 105/1985 s 7(b)	21.11.1985
	amended by 21/1989 s 8(b)	11.5.1989
	substituted by 59/1995 s 12(b)	24.8.1995
s 21(1c)	inserted by 105/1985 s 7(b)	21.11.1985
	amended by 21/1989 s 8(c)	11.5.1989
	amended by 59/1995 s 12(c)	24.8.1995
s 21(2)	amended by 105/1985 s 7(c)	21.11.1985
	amended by 21/1989 s 8(d)	11.5.1989
s 21(3)	<i>substituted by 105/1985 s 7(d)</i>	<i>21.11.1985</i>
	<i>deleted by 59/1995 s 12(d)</i>	<i>24.8.1995</i>

s 21A	amended by 4/1981 s 5	21.10.1982
	amended by 59/1995 s 13	24.8.1995
	amended by 43/2005 s 22	uncommenced—not incorporated
s 21AA—see s 23AA		
Pt 4 Div 2A	inserted by 43/2005 s 24	uncommenced—not incorporated
Pt 4 Div 3	heading substituted by 43/2005 s 25	uncommenced—not incorporated
s 21B	<i>inserted by 59/1995 s 14</i>	24.8.1995
	<i>deleted by 8/1999 s 5</i>	1.7.1998
s 22	amended by 4/1981 s 6	21.10.1982
	amended by 21/1989 s 9	11.5.1989
	substituted by 18/1992 s 3	7.5.1992
s 22(1)	amended by 59/1995 s 15(a)—(c)	24.8.1995
	amended by 8/1999 s 6	1.7.1998
	amended by 43/2005 s 26	uncommenced—not incorporated
s 22(2) and (3)	<i>deleted by 59/1995 s 15(d)</i>	24.8.1995
s 22A	inserted by 59/1995 s 16	24.8.1995
s 22A(1)	amended by 43/2005 s 27(1), (2)	uncommenced—not incorporated
s 22A(2)	substituted by 8/1999 s 7(a)	1.7.1998
	amended by 43/2005 s 27(3), (4)	uncommenced—not incorporated
s 22A(2a)	inserted by 8/1999 s 7(a)	1.7.1998
s 22A(4)	substituted by 8/1999 s 7(b)	1.7.1998
	amended by 43/2005 s 27(5)	uncommenced—not incorporated
s 22A(4a)	inserted by 8/1999 s 7(b)	1.7.1998
	amended by 43/2005 s 27(6)	uncommenced—not incorporated
s 22A(4b)	inserted by 8/1999 s 7(b)	1.7.1998
s 22A(4c)	inserted by 8/1999 s 7(b)	1.7.1998
	amended by 43/2005 s 27(7)	uncommenced—not incorporated
s 22A(5)	amended by 21/2003 s 5	17.8.2003
s 22A(5a)	inserted by 8/1999 s 7(c)	1.7.1998
	amended by 43/2005 s 27(8)	uncommenced—not incorporated
s 23 before substitution by 43/2005	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 21/1989 s 10	11.5.1989
s 23	substituted by 43/2005 s 28	uncommenced—not incorporated
s 23AA	s 21AA inserted by 23/1999 s 4	1.4.1999
	s 21AA redesignated as s 23AA by 43/2005 s 23(5)	uncommenced—not incorporated
s 23AA(1)	amended by 43/2005 s 23(1)	uncommenced—not incorporated
s 23AA(3)	amended by 43/2005 s 23(2), (3)	uncommenced—not incorporated
s 23AA(8)		

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deferred superannuation contributions surcharge	deleted by 43/2005 s 23(4)	uncommenced—not incorporated
s 23AAB—23AAD	inserted by 43/2005 s 29	uncommenced—not incorporated
Pt 4A	inserted by 49/2003 s 6	18.12.2003
s 23B		
SIS Act	deleted by 43/2005 s 30	uncommenced—not incorporated
s 23C		
s 23C(1)	amended by 43/2005 s 31	uncommenced—not incorporated
s 23D		
s 23D(1)	amended by 43/2005 s 32	uncommenced—not incorporated
s 23E		
s 23E(2)	amended by 43/2005 s 33(1)	uncommenced—not incorporated
s 23E(3)	amended by 43/2005 s 33(2)	uncommenced—not incorporated
s 23E(4)	inserted by 43/2005 s 33(3)	uncommenced—not incorporated
s 23J	substituted by 43/2005 s 34	uncommenced—not incorporated
Pt 5		
Pt 5 Div 1		
s 24		
s 24(1)	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 59/1995 s 17	24.8.1995
	amended by 43/2005 s 35	uncommenced—not incorporated
s 24(2)	amended by 112/1978 s 9(a), (b)	21.12.1978
	amended by 4/1981 s 7	21.12.1978
s 24(3)	inserted by 112/1978 s 9(c)	21.12.1978
	amended by 18/1982 s 5(a), (b)	21.10.1982
	amended by 105/1985 s 8(a), (b)	21.11.1985
s 24(4)	inserted by 112/1978 s 9(c)	21.12.1978
	substituted by 105/1985 s 8(c)	21.11.1985
	amended by 21/1989 s 11	11.5.1989
	amended by 69/1992 s 20	10.12.1992
s 24(5)	<i>inserted by 18/1982 s 5(c)</i>	<i>21.10.1982</i>
	<i>deleted by 105/1985 s 8(c)</i>	<i>21.11.1985</i>
s 25		
s 25(1)	s 25 amended and redesignated as s 25(1) by 112/1978 s 10	21.12.1978
	amended by 4/1981 s 8(a)	21.10.1982
	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 59/1995 s 18(a)	24.8.1995
	amended by 43/2005 s 36	uncommenced—not incorporated
s 25(2)	inserted by 112/1978 s 10(b)	21.12.1978
s 25(3)	<i>inserted by 4/1981 s 8(b)</i>	<i>21.10.1982</i>
	<i>substituted by 14/1986 s 3(1) (Sch 6)</i>	<i>1.9.1986</i>

	<i>deleted by 59/1995 s 18(b)</i>	24.8.1995
s 25A	inserted by 59/1995 s 19	24.8.1995
s 25A(1)	amended by 43/2005 s 37	uncommenced—not incorporated
s 25B	inserted by 59/1995 s 19	24.8.1995
s 25B(1)	amended by 43/2005 s 38	uncommenced—not incorporated
s 25C	inserted by 59/1995 s 19	24.8.1995
s 25C(2)	deleted by 43/2005 s 39	uncommenced—not incorporated
s 26AAA	inserted by 49/2003 s 7	18.12.2003
Pt 5 Div 1A	inserted by 59/1995 s 20	24.8.1995
Pt 5 Div 2		
s 26AAB	inserted by 43/2005 s 40	uncommenced—not incorporated
s 26A	inserted by 4/1981 s 9	21.10.1982
	substituted by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 59/1995 s 21	24.8.1995
s 27	amended by 4/1981 s 10	21.10.1982
s 29		
s 29(1)	amended by 4/1981 s 11	21.10.1982
s 30	substituted by 105/1985 s 9	21.11.1985
	amended by 21/1989 s 12	11.5.1989
Pt 5A	inserted by 18/1992 s 4	7.5.1992
	heading substituted by 43/2005 s 41	uncommenced—not incorporated
s 31A		
s 31A(1)	amended by 59/1995 s 22(a)	24.8.1995
	amended by 43/2005 s 42	uncommenced—not incorporated
s 31A(2)	substituted by 59/1995 s 22(b)	24.8.1995
s 31A(3)	<i>deleted by 59/1995 s 22(b)</i>	24.8.1995
Pt 6		
s 34	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 21/1989 s 13	11.5.1989
s 35	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 69/1992 s 21	10.12.1992
	substituted by 59/1995 s 23	24.8.1995
s 35(1)	substituted by 20/1998 s 5(a)	1.10.1997
	substituted by 40/2001 s 7(a)	1.1.2002
s 35(3)	amended by 20/1998 s 5(b)	1.10.1997
	substituted by 40/2001 s 7(b)	1.1.2002
s 35(4)	substituted by 20/1998 s 5(c)	1.10.1997
	amended by 40/2001 s 7(c)	1.1.2002
s 35(5)	inserted by 20/1998 s 5(c)	1.10.1997
	amended by 40/2001 s 7(d), (e)	1.1.2002
s 35(6)	inserted by 20/1998 s 5(c)	1.10.1997
	substituted by 40/2001 s 7(f)	1.1.2002
Pt 6A	inserted by 59/1995 s 24	24.8.1995

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	deleted by 43/2005 s 43	uncommenced—not incorporated
Pt 7		
s 36 before deletion by 43/2005		
s 36(1)	amended by 21/1989 s 14(a)	11.5.1989
s 36(3)	amended by 21/1989 s 14(b)	11.5.1989
s 36(4)		
prescribed amount	amended by 105/1985 s 10(a), (b)	21.11.1985
s 36(4a)—(4c)	<i>inserted by 4/1981 s 12(a)</i>	21.10.1982
	<i>deleted by 18/1982 s 6(a)</i>	21.10.1982
s 36(6)	inserted by 112/1978 s 11	21.12.1978
	substituted by 4/1981 s 12(b)	21.10.1982
	amended by 18/1982 s 6(b)	21.10.1982
	amended by 21/1989 s 14(c)	11.5.1989
	amended by 59/1995 s 25(a), (b)	24.8.1995
s 36(7)	inserted by 4/1981 s 12(b)	21.10.1982
s 36(7a)	inserted by 105/1985 s 10(c)	1.7.1979
	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
s 36(7b)	inserted by 105/1985 s 10(c)	1.7.1979
	amended by 14/1986 s 3(1) (Sch 6)	1.9.1986
	amended by 21/1989 s 14(d), (e)	11.5.1989
s 36(8)	inserted by 18/1982 s 6(c)	21.10.1982
	amended by 105/1985 s 10(d)	1.7.1979
	amended by 21/1989 s 14(f)—(h)	11.5.1989
s 36(9)	inserted by 18/1982 s 6(c)	21.10.1982
	amended by 21/1989 s 14(i)	11.5.1989
s 36(10)	inserted by 59/1995 s 25(c)	24.8.1995
s 36	deleted by 43/2005 s 44	uncommenced—not incorporated
s 36A	inserted by 59/1995 s 26	24.8.1995
s 36B	inserted by 59/1995 s 26	24.8.1995
s 36B(1)	amended by 43/2005 s 45(1)	uncommenced—not incorporated
s 36B(2)	amended by 43/2005 s 45(2)	uncommenced—not incorporated
s 36B(3)	amended by 43/2005 s 45(3)	uncommenced—not incorporated
s 37		
s 37(1)	amended by 18/1992 s 5	7.5.1992
s 37(3)—(5)	inserted by 43/2005 s 46	uncommenced—not incorporated
s 39		
	substituted by 21/1989 s 15	11.5.1989
	substituted by 25/1997 s 6	24.4.1997
s 39(2)	substituted by 8/1999 s 8	1.7.1998
s 39A		
	inserted by 112/1978 s 12	21.12.1978
	deleted by 14/1986 s 3(1) (Sch 6)	1.9.1986
	inserted by 49/2003 s 8	18.12.2003
s 40		

s 40(1)	s 40 redesignated as s 40(1) by 49/2003 s 9	18.12.2003
s 40(2)	inserted by 49/2003 s 9	18.12.2003
<i>Sch 1</i>	<i>deleted by 14/1986 s 3(1) (Sch 6)</i>	<i>1.9.1986</i>
	<i>inserted by 21/1989 s 16</i>	<i>11.5.1989</i>
	<i>deleted by 8/1999 s 9</i>	<i>1.7.1998</i>
Sch 1	inserted by 43/2005 s 47	3.7.2003
Sch 2	amended by 105/1985 s 11	21.11.1985
Sch 3	inserted by 59/1995 s 27	24.8.1995

Transitional etc provisions associated with Act or amendments

Statutes Amendment (Division of Superannuation Interests under Family Law Act) Act 2003

1—Interpretation

In this Schedule—

relevant Act means an Act amended by this Act;

relevant authority means—

- (a) the Police Superannuation Board; or
- (b) the South Australian Parliamentary Superannuation Board; or
- (c) the South Australian Superannuation Board; or
- (d) the Treasurer.

2—Prior action

Any step taken by a relevant authority before a section of this Act is brought into operation that corresponds to a step that may be taken by the relevant authority under a relevant Act after this Act is brought into operation will be taken to be valid and effectual for the purposes of a relevant Act as if it had been taken after the commencement of this Act.

3—Instruments

Any splitting instrument, or other instrument, lodged with a relevant authority before the commencement of this Act may take effect for the purposes of a relevant Act after the commencement of this Act.

4—Other matters

- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of this Act.
- (2) A provision of a regulation under subclause (1) may, if the regulation so provides, take effect from the commencement of this Act or from an earlier day, but not before 28 December 2002.

- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (4) The *Acts Interpretation Act 1915* will, except to the extent of any inconsistency with the provisions of this Schedule (or regulations made under this Schedule), apply to any amendment effected by this Act.

Historical versions

*Retrospective amendment not included in Reprints 10—13 (see 43/2005)

Reprint —1.9.1986

Reprint No 1—15.11.1991

Reprint No 2—7.5.1992

Reprint No 3—10.12.1992

Reprint No 4—24.8.1995

Reprint No 5—24.4.1997

Reprint No 6—2.4.1998

Reprint No 7—18.3.1999

Reprint No 8—1.4.1999

Reprint No 9—1.1.2002

Reprint No 10—3.7.2003*

Reprint No 11—31.7.2003*

Reprint No 12—17.8.2003*

Reprint No 13—18.12.2003*