ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

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No. 8 of 1948.

An Act to provide for the payment of superannuation pensions to persons who have served as members of Parliament, and for other matters incidental thereto.

[*Assented to 26th August,* 1948.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the " Parliamentary Superannuation Act, 1948 ". Short title.

2. (1) In this Act, unless the context otherwise requires— Interpretation.

" member " means member of either House of the Parliament of the State :

" trustee " means trustee of the Parliamentary Superannuation Fund :

" the trustees " means the trustees of the Parliamentary Superannuation Fund :

" the fund " means the Parliamentary Superannuation Fund established pursuant to this Act :

" parliamentary salary " means—

(*a*) the payment received by a member pursuant to the Acts relating to the payment of members of Parliament :

(*b*) the salary received by a Minister pursuant to the Constitution Act, 1934-1944 :

(*c*) the payments received by the President of the Legislative Council, the Speaker of the House of

Assembly, and the Chairman of Committees of the House of Assembly pursuant to the Acts providing for such payments.

(2) This Act shall apply only in cases where a member dies or ceases to be a member of Parliament, after the passing of this Act.

The Trustees and the Fund.

Trustees of the fund.

3. (1) There shall be a body to be called " The Trustees of the Parliamentary Superannuation Fund ".

(2) The persons for the time being holding the offices of President of the Legislative Council, Speaker of the House of Assembly and Under Treasurer, shall constitute the body referred to in subsection (1) of this section.

(3) The trustees shall be a body corporate with perpetual succession and a common seal and shall have power to hold property of all kinds for purposes of this Act.

(4) If the President of the Legislative Council or the Speaker of the House of Assembly ceases to be a member by reason of the expiration of his term of office as a member, he shall nevertheless continue to be a trustee until his successor as President or Speaker is appointed : Provided that if the President or Speaker is not re-elected as a member he may resign his office as trustee.

(5) If at any time a vacancy occurs in the office of any trustee the Governor may appoint a temporary trustee to hold office until the vacancy is filled by the person designated by this section to hold that office.

(6) Meetings of the trustees shall be conducted in accordance with such procedure as the trustees determine, and the decision of any two trustees shall be binding.

Establishment of the fund.

4. (1) There shall be established a fund to be called " The Parliamentary Superannuation Fund ".

(2) The fund shall consist of—

(*a*) contributions paid by members pursuant to this Act :

(*b*) moneys paid into the fund by the Treasurer pursuant to this Act :

(*c*) all interest and other income earned by the investment of the fund or any part thereof.

(3) The fund shall be vested in and managed by the trustees.

Officers to assist trustees.

5. The Treasurer may make available to the trustees the services of any public officer for the purpose of assisting the trustees in the administration of this Act.

Investment of the fund.

6. The trustees may invest the fund or any part thereof in such investments as the trustees think proper.

Accounts and audit.

7. (1) The trustees shall keep complete and proper accounts of all their financial transactions.

(2) In each year the accounts of the trustees shall be audited by the Auditor-General and copies of the accounts shall be laid before both Houses of Parliament.

Exemption from State income tax.

8. The income of the fund shall not be subject to any tax imposed by any law of the State.

Contributions to the Fund.

Contributions by members.

9. (1) Every member and every person who, having ceased to be a member, is in receipt of a Parliamentary salary shall contribute to the fund at the rate of fifty-eight pounds ten shillings a year.

(2) The contributions payable under this section shall be deducted by the Treasurer in equal instalments from every amount of Parliamentary salary payable to the member or other person, and the amounts so deducted shall be paid by the Treasurer into the fund.

Contributions by Treasurer.

10. The Treasurer shall also pay into the fund—

(*a*) not later than fourteen days after the end of each month, a sum equal to the contributions paid or payable during that month pursuant to section 9 of this Act:

(*b*) not later than three months after the end of each financial year, such additional sum as the Public Actuary certifies to be necessary in order to make proper provision for payment out of the fund of benefits payable under this Act.

Pensions.

Right to superannuation pensions.

11. (1) Subject to this Act, any person who—

(*a*) has served as a member for at least twelve years; and

(*b*) has ceased to be a member; and

(*c*) has ceased to be entitled to payment of Parliamentary salary; and

(*d*) has attained the age of fifty years ; and

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

(*f*) has complied with section 14 of this Act,

shall be entitled to a pension under this Act.

(2) In computing the length of a member's service for the purpose of determining his right to pension the following rules shall be observed :—

(*a*) If a member is elected to Parliament between the twenty-eighth day of February and the first day of August in any year, his service shall be reckoned as from the first day of March in that year : Provided that this paragraph shall not apply where a member is elected to a casual vacancy :

(*b*) If any person ceases to be a member of Parliament by reason of a dissolution taking place within two months before the expiration of the House of Assembly by effluxion of time, he shall be deemed to remain a member until the day when the House of Assembly would have so expired :

(*c*) Subject to paragraphs (*a*) and (*b*) of this section, the actual period during which a person is a member shall be regarded as service for purposes of this Act :

(*d*) Service before or after the passing of this Act of members holding office at the time of the passing of this Act or at any subsequent time shall be taken into account :

(*e*) Broken periods of a member's service shall be aggregated and credited to the member.

Commencement of pension.

12. Every pension payable pursuant to section 11 of this Act shall accrue as from the day following the day when the member completes compliance with the requirements of paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) of subsection (1) of that section.

Rate of pension.

13. (1) Subject to subsection (2) of this section, the rate of pension payable pursuant to section 11 of this Act shall depend on the length of service of the member as follows :—

(*a*) In respect of twelve years of service as a member, pension shall be computed at the rate of two hundred and fifty pounds a year :

(*b*) In respect of each complete year of service as a member, in excess of twelve years, the pension shall be increased by twenty pounds a year :

(2) No pension shall exceed three hundred and seventy pounds a year.

Conditions precedent to pension.

14. (1) A member who resigns before the expiration of his term of office as a member shall not be entitled to a pension unless in addition to complying with the other requirement of section 11 of this Act—

(*a*) he satisfies a judge that there are good and sufficient reasons why he should resign and should not seek re-election ; or

(*b*) he stands for re-election and is defeated.

(2) A member who ceases to be a member on the expiration of his term of office shall not be entitled to a pension unless in addition to complying with the other requirements of section 11 of this Act—

(*a*) he satisfies a judge that there are good and substantial reasons why he should not seek re-election ; or

(*b*) he stands for re-election and is defeated.

(3) This section shall not affect the time as from which any pension accrues.

(4) In this section " judge " means a judge of the Supreme Court nominated by the Governor as the judge who shall deal with matters arising under this section.

Payment of minimum contribution entitling to pension.

15. If a person is otherwise qualified for a pension under section 11 of this Act, but has not paid into the fund by way of contributions at least three hundred and fifty-one pounds he may at any time pay into the fund such sum as is necessary to bring his total contributions up to that amount.

Pensions to widows of pensioners and qualified members.

16. (1) On the death of a pensioner, there shall be paid to his widow during her life a pension at an annual rate equal to three-fifths of the annual rate of her husband's pension : Provided that where the pensioner married after his pension began to accrue, his widow shall not be entitled to a pension on his death.

(2) Where a member, or a person in receipt of a Parliamentary salary, dies after not less than twelve years' service as a member and leaves a widow, there shall be paid to the widow during her life a pension at an annual rate equal to three-fifths of the annual rate appropriate to the length of service of her husband.

(3) Pension shall be payable under subsection (2) of this section notwithstanding that the member or person was under fifty years of age at the time of his death, and that his total contributions to the fund were less than three hundred and fifty-one pounds.

(4) The widow of a member or person dying as mentioned in subsection (2) of this section shall not be obliged in order to obtain a pension to pay into the fund the amount by which the contributions paid by the husband in his lifetime fall short of three hundred and fifty-one pounds.

(5) Pension payable to any widow pursuant to this section shall cease on her re-marriage.

(6) This section shall not be so construed as to confer any benefit on the widower of a woman member.

Reduction of pension in certain cases.

17. If a person in receipt of a pension under this Act—

(*a*) becomes a member of the Parliament of any other State or of the Commonwealth and receives any salary or parliamentary allowance in the nature of salary in respect of his office as such member; or

(*b*) holds any office under the Crown, whether in South Australia or elsewhere, for which he is remunerated out of moneys of the Crown; or

(*c*) is in receipt of a pension received by him by reason of having been a member of any such Parliament or having held any such office,

the following consequences shall ensue :—

(i.) If the salary, remuneration or pension received by the said person as mentioned in paragraphs (*a*), (*b*) or (*c*) of this section is at a rate equal to or greater than his pension under this Act, the pension under this Act shall not be payable so long as he receives the salary, remuneration or pension first mentioned :

(ii.) If the salary, remuneration or pension first mentioned is at a rate less than that of his pension under this Act, the rate of his pension under this Act shall be reduced by the rate of the salary, remuneration or pension first mentioned.

Refunds of Contributions.

Refunds on retirement with less than twelve years' service.

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

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

(*a*) he shall within three months after his re-election, repay into the fund the amount refunded to him: Provided that the Trustees may, if satisfied that reasonable cause exists for so doing, extend the time for such repayment:

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

Refunds to widows of members with less than twelve years' service.

19. Where a person dies whilst still a member or in receipt of a Parliamentary salary, after having served for less than twelve years and leaves a widow, there shall be paid to the widow the amount of the contributions made by the member or person, without interest.

No refunds except where expressly provided.

20. Except as expressly provided in this Act, refunds of contributions shall not be made.

General.

Payment of pensions.

21. (1) Pensions under this Act shall be payable in fortnightly instalments.

(2) Pensions under this Act shall be apportionable in point of time.

Pensions not assignable.

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

Regulations.

23. 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.

Financial provision.

24. (1) The money which the Treasurer is required by this Act to pay into the fund shall be paid by him out of the General Revenue of the State.

(2) The costs of the administration of this Act shall be paid out of the fund.

(3) This section without further appropriation shall be sufficient authority for making the payments mentioned in this section.

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

C. W. M. NORRIE, Governor.