

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 22 November, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

An Act to make further provisions with respect to the pensions and other benefits payable from the Parliamentary Contributory Superannuation Fund; for this and other purposes to amend the Parliamentary Contributory Superannuation Act, 1971; to validate certain matters; and for purposes connected therewith.

BE

Parliamentary Contributory Superannuation (Amendment).

5 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Parliamentary Contributory Superannuation (Amendment) Act, 1972". Short title.

2. (1) The Parliamentary Contributory Superannuation Act, 1971, is amended— Amendment of Act No. 53, 1971.

10 (a) (i) by omitting from section 20 (1) the definition of "the prescribed part of his pension entitlement" and by inserting instead the following definition :— Sec. 20. (Right to convert part of entitlement to lump sum entitlement.)

15 "the prescribed part of his pension entitlement"—

(a) except as provided by paragraph (b), means—

20 (i) in relation to a person who is under the age of forty-five years on the date on which he ceased to be a member, not more than seventy-five per centum of his annual pension entitlement as at that date;

25 (ii) in relation to a person who is forty-five years of age or over but under the age of sixty years on the date on

30 which

Parliamentary Contributory Superannuation (Amendment).

5 which he ceased to be a member, not more than fifty per centum of his annual pension entitlement as at that date; and

10 (iii) in relation to a person who is sixty years of age or over on the date on which he ceased to be a member, not more than thirty per centum of his annual pension entitlement as at that date, together with, in the case of a person who is not over the age of sixty-five years, one-third of one per centum for every complete month by which his age is less than sixty-five years at the date on which he ceases to be a member; and

25 (b) in relation to a former member, referred to in paragraph (c) of subsection (2), who makes an election under that paragraph, means—

30 (i) the prescribed part of his pension entitlement, ascertained under subparagraph (i), (ii) or (iii) of paragraph (a), as the case may be;

(ii)

Parliamentary Contributory Superannuation (Amendment).

- 5 (ii) his annual pension entitlement under subsection (2) of section 26 as at the date from which a pension is first payable to him under that subsection since he last ceased to be a member; or
- 10 (iii) his annual pension entitlement under subsection (2) of section 26 as at the date immediately before that election is received by the custodian trustee,
- 15
- whichever is the least;

(ii) by omitting section 20 (2) and by inserting instead the following subsections :—

- 20 (2) Notwithstanding anything in this Act, except subsection (2A), a former member—
- (a) who is entitled to a pension under this Part but who is not a former member referred to in paragraph (b) or (c) may within the period of three months after ceasing to be a member elect;
- 25
- (b) who becomes, upon his ceasing to be a person whose right to a pension is suspended under subsection (2) of section 25, entitled to a pension under this Part, may within the period of three months after his so ceasing to be such a person elect; or
- 30
- (c)

Parliamentary Contributory Superannuation (Amendment).

5 (c) who becomes, by reason of a direction
given by the managing trustees under
subsection (2) of section 26, entitled
to a pension under that subsection,
may within the period of three months
after the giving of the direction under
that subsection which resulted in his
first so becoming entitled to a pension
and which was given after his pension
10 was last suspended under subsection
(1) of section 26 elect,

15 by notice in writing served on the custodian
trustee, to convert the prescribed part of his
pension entitlement to a lump sum payment
determined in accordance with subsection
(3).

20 (2A) Notwithstanding subsection (2), a
former member is not entitled to make an
election under subsection (2) (b) or (c) if
he has in respect of any previous event had an
opportunity to make an election under
subsection (2) since he last ceased to be a
member.

25 (2B) For the purposes of subsection (2A),
where any event has occurred which entitled a
former member to make an election under
subsection (2) within the period of three
months after the occurrence of that event, as
30 referred to in subsection (2), that former
member shall be deemed to have had, in res-
pect of that event, an opportunity to make an
election under subsection (2) if—

35 (a) his right to receive a pension under this
Part was not suspended under subsec-
tion (2) of section 25 or subsection
(1) of section 26 within the period of
three months after the occurrence of
that event; or

(b)

Parliamentary Contributory Superannuation (Amendment).

- 5 (b) having made an election under subsection (2) within the period of three months after the occurrence of that event, that election was not, by subsection (9), deemed never to have been made.
- 10 (iii) by omitting from section 20 (4) the words "from the date of payment of that lump sum the annual pension payable to that former member shall be reduced by the amount of annual pension in respect of which the election was made" and by inserting instead the words "any pension payable under this Part to that former member in respect of any period which commenced on or after the day on which the election is received by the custodian trustee shall (except a pension payable pursuant to a pension entitlement arising by virtue of a direction given under subsection (2) of section 26 the amount of which has been reduced by reason of his having received that lump sum) be reduced by the amount of annual pension in respect of which the election was made";
- 15
- 20
- 25 (b) by inserting next after section 21 the following new section :— New sec. 21A.
- 25— 21A. For the purposes of sections 20, 21 and Interpretation of annual pension entitlement for purposes of sections 20, 21 and 25.
- 30 (a) the total annual pension to which a former member referred to in subsection (9) of section 19 is entitled; or
- 35 (b) the annual pension for the time being directed to be paid to a person under subsection (2) of section 26, shall be deemed to be the annual pension entitlement of that former member or that person, as the case may be.
- (c)

Parliamentary Contributory Superannuation (Amendment).

- 5 (c) by omitting from section 22 (2) the words “the medical practitioner has examined that person in accordance with the requirements of the managing trustees and” and by inserting instead the words “a medical practitioner authorised by the trustees for the purposes of this subsection has reported to the medical practitioner so approved that the medical practitioner so authorised has examined that person in accordance with the requirements of the managing trustees and that the medical practitioner so approved is satisfied”;
- 10
- 15 (d) (i) by omitting from section 23 (1) the words “receiving a pension under this Part” and by inserting instead the words “who immediately before his death was receiving, or was entitled to receive, a pension under this Part.”;
- (ii) by inserting next after section 23 (4) the following new subsection :—
- 20 (4A) For the purposes of subsection (1) a former member shall be deemed to have been entitled to receive a pension under this Part at any time if he would, but for the provisions of section 24, subsection (2) of section 25 or subsection (1) of section 26, have been entitled to receive a pension under this Part at that time.
- 25 (iii) by omitting from section 23 (5) the word “member” where firstly occurring and by inserting instead the word “person”;
- 30 (e) by omitting from section 24 the word “member” wherever occurring and by inserting instead the word “person”;
- (f)

Sec. 22.
(Pension on retirement on grounds of ill-health.)

Sec. 23.
(Pension for widows.)

Sec. 24.
(Suspension of pension until previously refunded contributions repaid.)

Parliamentary Contributory Superannuation (Amendment).

- (f) (i) by omitting from section 26 (2) the words "a pension" where secondly occurring and by inserting instead the words "an annual pension";
- 5 (ii) by omitting from section 26 (2) the words "the pension" wherever occurring and by inserting instead the words "the annual pension";
- 10 (iii) by inserting at the end of section 26 the following new subsection :—
- (3) A direction given by the managing trustees under subsection (2) may be amended or revoked at any time.
- 15 (g) by omitting from section 27 (2) the words "six or seven" and by inserting instead the words "seven or eight".

(2) The amendments made by subsection (1) (a) (iii), (c) and (g) shall be deemed to have commenced on 1st January, 1972.

20 (3) Any election made under section 20 (2) of the Parliamentary Contributory Superannuation Act, 1971, as in force before the commencement of this Act, shall have the same force and effect as it would have had had the amendments made by subsection (1) (a) (ii) been in force when
25 the election was made and had it been an election made under section 20 (2) (a) of that Act, as amended by this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

[10c]

No. . 1972.

A BILL

To make further provisions with respect to the pensions and other benefits payable from the Parliamentary Contributory Superannuation Fund; for this and other purposes to amend the Parliamentary Contributory Superannuation Act, 1971; to validate certain matters; and for purposes connected therewith.

[SIR ROBERT ASKIN—21 *November*, 1972.]

BE

Parliamentary Contributory Superannuation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows : —

1. This Act may be cited as the "Parliamentary Contributory Superannuation (Amendment) Act, 1972".

2. (1) The Parliamentary Contributory Superannuation Act, 1971, is amended—

(a) (i) by omitting from section 20 (1) the definition of "the prescribed part of his pension entitlement" and by inserting instead the following definition : —

Sec. 20. (Right to convert part of entitlement to lump sum entitlement.)

"the prescribed part of his pension entitlement"—

(a) except as provided by paragraph (b), means—

(i) in relation to a person who is under the age of forty-five years on the date on which he ceased to be a member, not more than seventy-five per centum of his annual pension entitlement as at that date;

(ii) in relation to a person who is forty-five years of age or over but under the age of sixty years on the date on

which

Parliamentary Contributory Superannuation (Amendment).

5 which he ceased to be a member, not more than fifty per centum of his annual pension entitlement as at that date; and

10 (iii) in relation to a person who is sixty years of age or over on the date on which he ceased to be a member, not more than thirty per centum of his annual pension entitlement as at that date, together with, in the case of a person who is not over the age of sixty-five years, one-third of one per centum for every complete month by which his age is less than sixty-five years at the date on which he ceases to be a member; and

30 (b) in relation to a former member, referred to in paragraph (c) of subsection (2), who makes an election under that paragraph, means—

35 (i) the prescribed part of his pension entitlement, ascertained under subparagraph (i), (ii) or (iii) of paragraph (a), as the case may be;

(ii)

Parliamentary Contributory Superannuation (Amendment).

- 5 (ii) his annual pension entitlement under subsection (2) of section 26 as at the date from which a pension is first payable to him under that subsection since he last ceased to be a member; or
- 10 (iii) his annual pension entitlement under subsection (2) of section 26 as at the date immediately before that election is received by the custodian trustee,
- 15
- whichever is the least;

(ii) by omitting section 20 (2) and by inserting instead the following subsections :—

- 20 (2) Notwithstanding anything in this Act, except subsection (2A), a former member—
- 25 (a) who is entitled to a pension under this Part but who is not a former member referred to in paragraph (b) or (c) may within the period of three months after ceasing to be a member elect;
- 30 (b) who becomes, upon his ceasing to be a person whose right to a pension is suspended under subsection (2) of section 25, entitled to a pension under this Part, may within the period of three months after his so ceasing to be such a person elect; or
- (c)

Parliamentary Contributory Superannuation (Amendment).

5 (c) who becomes, by reason of a direction
given by the managing trustees under
subsection (2) of section 26, entitled
to a pension under that subsection,
may within the period of three months
after the giving of the direction under
that subsection which resulted in his
first so becoming entitled to a pension
and which was given after his pension
was last suspended under subsection
10 (1) of section 26 elect,

by notice in writing served on the custodian
trustee, to convert the prescribed part of his
pension entitlement to a lump sum payment
15 determined in accordance with subsection
(3).

(2A) Notwithstanding subsection (2), a
former member is not entitled to make an
election under subsection (2) (b) or (c) if
20 he has in respect of any previous event had an
opportunity to make an election under
subsection (2) since he last ceased to be a
member.

(2B) For the purposes of subsection (2A),
25 where any event has occurred which entitled a
former member to make an election under
subsection (2) within the period of three
months after the occurrence of that event, as
referred to in subsection (2), that former
30 member shall be deemed to have had, in res-
pect of that event, an opportunity to make an
election under subsection (2) if—

(a) his right to receive a pension under this
35 Part was not suspended under subsec-
tion (2) of section 25 or subsection
(1) of section 26 within the period of
three months after the occurrence of
that event; or

(b)

Parliamentary Contributory Superannuation (Amendment).

- 5 (b) having made an election under subsection (2) within the period of three months after the occurrence of that event, that election was not, by subsection (9), deemed never to have been made.
- 10 (iii) by omitting from section 20 (4) the words “from the date of payment of that lump sum the annual pension payable to that former member shall be reduced by the amount of annual pension in respect of which the election was made” and by inserting instead the words
- 15 “any pension payable under this Part to that former member in respect of any period which commenced on or after the day on which the election is received by the custodian trustee shall (except a pension payable pursuant to a pension entitlement arising by virtue of a direction given under subsection (2) of
- 20 section 26 the amount of which has been reduced by reason of his having received that lump sum) be reduced by the amount of annual pension in respect of which the election was made”;
- 25 (b) by inserting next after section 21 the following new section :— New sec. 21A.
- 25— 21A. For the purposes of sections 20, 21 and Interpretation of annual pension entitlement for purposes of sections 20, 21 and 25.
- 30 (a) the total annual pension to which a former member referred to in subsection (9) of section 19 is entitled; or
- (b) the annual pension for the time being directed to be paid to a person under subsection (2) of section 26,
- 35 shall be deemed to be the annual pension entitlement of that former member or that person, as the case may be.
- (c)

Parliamentary Contributory Superannuation (Amendment).

- 5 (c) by omitting from section 22 (2) the words “the
medical practitioner has examined that person in
accordance with the requirements of the managing
trustees and” and by inserting instead the words
“a medical practitioner authorised by the trustees
for the purposes of this subsection has reported to
the medical practitioner so approved that the medi-
cal practitioner so authorised has examined that
10 person in accordance with the requirements of the
managing trustees and that the medical practitioner
so approved is satisfied”;
- (d) (i) by omitting from section 23 (1) the words
15 “receiving a pension under this Part” and by
inserting instead the words “who immediately
before his death was receiving, or was entitled
to receive, a pension under this Part,”;
- (ii) by inserting next after section 23 (4) the
following new subsection :—
- 20 (4A) For the purposes of subsection (1)
a former member shall be deemed to have
been entitled to receive a pension under this
Part at any time if he would, but for the provi-
sions of section 24, subsection (2) of section
25 or subsection (1) of section 26, have been
entitled to receive a pension under this Part
at that time.
- (iii) by omitting from section 23 (5) the word
“member” where firstly occurring and by
inserting instead the word “person”;
- 30 (e) by omitting from section 24 the word “member”
wherever occurring and by inserting instead the
word “person”;
- (f) Sec. 22.
(Pension on
retirement
on grounds
of ill-
health.)
- Sec. 23.
(Pension
for
widows.)
- Sec. 24.
(Suspension
of pension
until pre-
viously
refunded
contribu-
tions
repaid.)

Parliamentary Contributory Superannuation (Amendment).

- (f) (i) by omitting from section 26 (2) the words "a pension" where secondly occurring and by inserting instead the words "an annual pension"; Sec. 26. (Suspension of pension where another parliamentary pension received.)
- 5 (ii) by omitting from section 26 (2) the words "the pension" wherever occurring and by inserting instead the words "the annual pension";
- 10 (iii) by inserting at the end of section 26 the following new subsection :—
- (3) A direction given by the managing trustees under subsection (2) may be amended or revoked at any time.
- .5 (g) by omitting from section 27 (2) the words "six or seven" and by inserting instead the words "seven or eight". Sec. 27. (Minimum benefit.)

(2) The amendments made by subsection (1) (a) (iii), (c) and (g) shall be deemed to have commenced on 1st January, 1972.

20 (3) Any election made under section 20 (2) of the Parliamentary Contributory Superannuation Act, 1971, as in force before the commencement of this Act, shall have the same force and effect as it would have had had the amendments made by subsection (1) (a) (ii) been in force when
25 the election was made and had it been an election made under section 20 (2) (a) of that Act, as amended by this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

[10c]

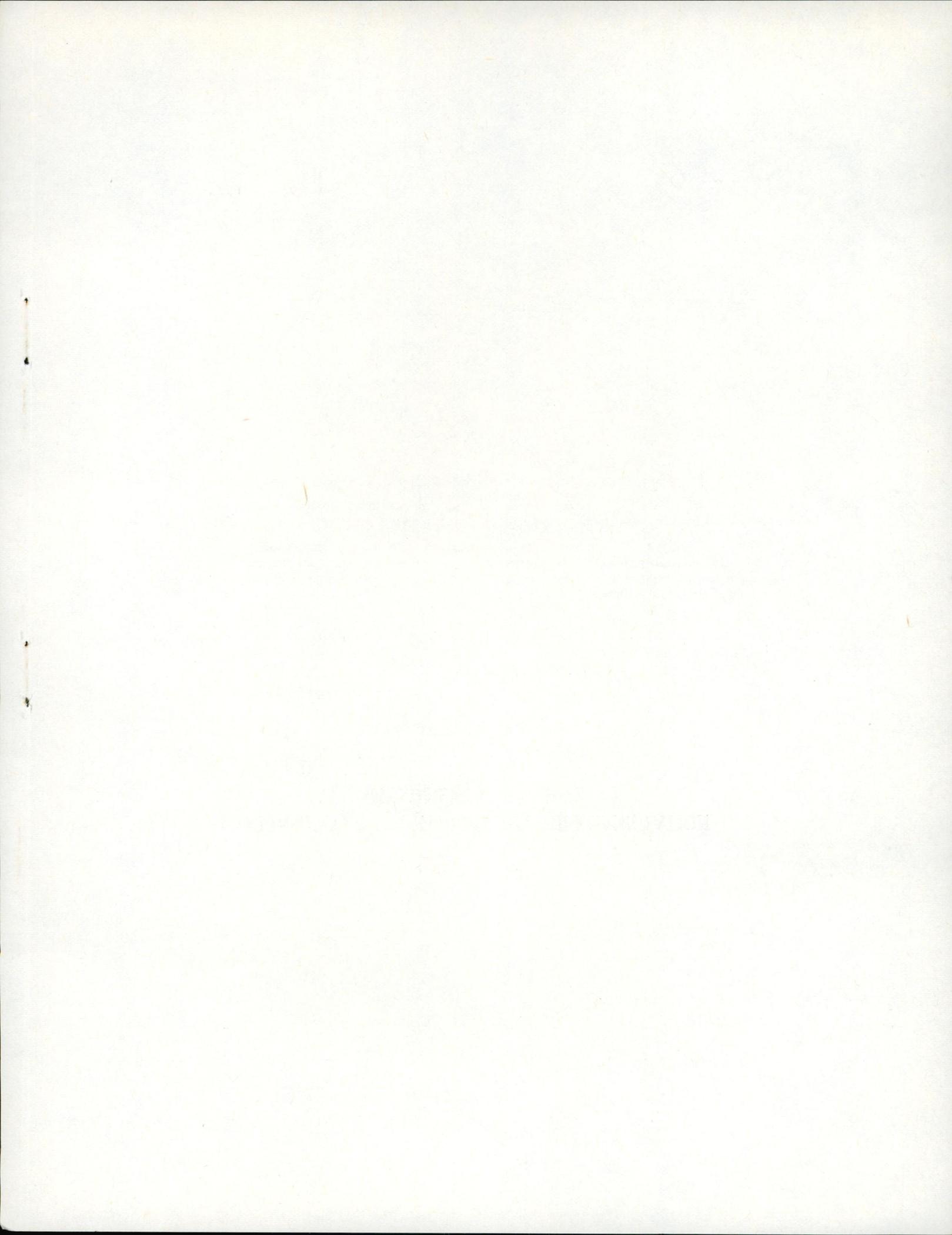
PROOF

**PARLIAMENTARY CONTRIBUTORY SUPERANNUATION
(AMENDMENT) BILL, 1972**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to extend to a former member, who becomes entitled to a pension after the suspension of a pension to which he was previously entitled, a right to elect, in certain circumstances, to convert part of his pension entitlement to a lump sum;
- (b) to enable an approved medical practitioner to give a medical certificate after examination, in certain circumstances, of the member by another authorised medical practitioner without the necessity of the approved medical practitioner himself examining the member;
- (c) to ensure that the widow of a former member who died while his pension was suspended is entitled to a pension;
- (d) to make other provisions of an ancillary or consequential nature.



PROOF

No. , 1972.

A BILL

To make further provisions with respect to the pensions and other benefits payable from the Parliamentary Contributory Superannuation Fund; for this and other purposes to amend the Parliamentary Contributory Superannuation Act, 1971; to validate certain matters; and for purposes connected therewith.

[SIR ROBERT ASKIN—21 *November*, 1972.]

BE

Parliamentary Contributory Superannuation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Parliamentary Contributory Superannuation (Amendment) Act, 1972".

2. (1) The Parliamentary Contributory Superannuation Act, 1971, is amended—

(a) (i) by omitting from section 20 (1) the definition of "the prescribed part of his pension entitlement" and by inserting instead the following definition :—

Sec. 20. (Right to convert part of entitlement to lump sum entitlement.)

"the prescribed part of his pension entitlement"—

(a) except as provided by paragraph (b), means—

(i) in relation to a person who is under the age of forty-five years on the date on which he ceased to be a member, not more than seventy-five per centum of his annual pension entitlement as at that date;

(ii) in relation to a person who is forty-five years of age or over but under the age of sixty years on the date on

which

Parliamentary Contributory Superannuation (Amendment).

5 which he ceased to be a member, not more than fifty per centum of his annual pension entitlement as at that date; and

10 (iii) in relation to a person who is sixty years of age or over on the date on which he ceased to be a member, not more than thirty per centum of his annual pension entitlement as at that date, together with, in the case of a person who is not over the age of sixty-five years, one-third of one per centum for every complete month by which his age is less than sixty-five years at the date on which he ceases to be a member; and

30 (b) in relation to a former member, referred to in paragraph (c) of subsection (2), who makes an election under that paragraph, means—

35 (i) the prescribed part of his pension entitlement, ascertained under subparagraph (i), (ii) or (iii) of paragraph (a), as the case may be;

(ii)

Parliamentary Contributory Superannuation (Amendment).

- 5 (ii) his annual pension entitlement under subsection (2) of section 26 as at the date from which a pension is first payable to him under that subsection since he last ceased to be a member; or
- 10 (iii) his annual pension entitlement under subsection (2) of section 26 as at the date immediately before that election is received by the custodian trustee,
- 15
- whichever is the least;

(ii) by omitting section 20 (2) and by inserting instead the following subsections :—

- 20 (2) Notwithstanding anything in this Act, except subsection (2A), a former member—
- (a) who is entitled to a pension under this Part but who is not a former member referred to in paragraph (b) or (c) may within the period of three months after ceasing to be a member elect;
- 25
- (b) who becomes, upon his ceasing to be a person whose right to a pension is suspended under subsection (2) of section 25, entitled to a pension under this Part, may within the period of three months after his so ceasing to be such a person elect; or
- 30
- (c)

Parliamentary Contributory Superannuation (Amendment).

5 (c) who becomes, by reason of a direction
given by the managing trustees under
subsection (2) of section 26, entitled
to a pension under that subsection,
may within the period of three months
after the giving of the direction under
that subsection which resulted in his
first so becoming entitled to a pension
and which was given after his pension
10 was last suspended under subsection
(1) of section 26 elect,

15 by notice in writing served on the custodian
trustee, to convert the prescribed part of his
pension entitlement to a lump sum payment
determined in accordance with subsection
(3).

20 (2A) Notwithstanding subsection (2), a
former member is not entitled to make an
election under subsection (2) (b) or (c) if
he has in respect of any previous event had an
opportunity to make an election under
subsection (2) since he last ceased to be a
member.

25 (2B) For the purposes of subsection (2A),
where any event has occurred which entitled a
former member to make an election under
subsection (2) within the period of three
months after the occurrence of that event, as
referred to in subsection (2), that former
30 member shall be deemed to have had, in res-
pect of that event, an opportunity to make an
election under subsection (2) if—

35 (a) his right to receive a pension under this
Part was not suspended under subsec-
tion (2) of section 25 or subsection
(1) of section 26 within the period of
three months after the occurrence of
that event; or

(b)

Parliamentary Contributory Superannuation (Amendment).

- 5 (b) having made an election under subsection (2) within the period of three months after the occurrence of that event, that election was not, by subsection (9), deemed never to have been made.
- 10 (iii) by omitting from section 20 (4) the words "from the date of payment of that lump sum the annual pension payable to that former member shall be reduced by the amount of annual pension in respect of which the election was made" and by inserting instead the words "any pension payable under this Part to that former member in respect of any period which commenced on or after the day on which the election is received by the custodian trustee shall (except a pension payable pursuant to a pension entitlement arising by virtue of a direction given under subsection (2) of section 26 the amount of which has been reduced by reason of his having received that lump sum) be reduced by the amount of annual pension in respect of which the election was made";
- 15
- 20
- 25 (b) by inserting next after section 21 the following new section :— New sec. 21A.
- 25— 21A. For the purposes of sections 20, 21 and Interpretation of annual pension entitlement for purposes of sections 20, 21 and 25.
- 30 (a) the total annual pension to which a former member referred to in subsection (9) of section 19 is entitled; or
- (b) the annual pension for the time being directed to be paid to a person under subsection (2) of section 26,
- 35 shall be deemed to be the annual pension entitlement of that former member or that person, as the case may be.
- (c)

Parliamentary Contributory Superannuation (Amendment).

- 5 (c) by omitting from section 22 (2) the words “the
 medical practitioner has examined that person in
 accordance with the requirements of the managing
 trustees and” and by inserting instead the words
 “a medical practitioner authorised by the trustees
 for the purposes of this subsection has reported to
 the medical practitioner so approved that the medi-
 cal practitioner so authorised has examined that
 10 person in accordance with the requirements of the
 managing trustees and that the medical practitioner
 so approved is satisfied”;
- (d) (i) by omitting from section 23 (1) the words
 “receiving a pension under this Part” and by
 15 inserting instead the words “who immediately
 before his death was receiving, or was entitled
 to receive, a pension under this Part,”;
- (ii) by inserting next after section 23 (4) the
 following new subsection :—
- 20 (4A) For the purposes of subsection (1)
 a former member shall be deemed to have
 been entitled to receive a pension under this
 Part at any time if he would, but for the provi-
 sions of section 24, subsection (2) of section
 25 25 or subsection (1) of section 26, have been
 entitled to receive a pension under this Part
 at that time.
- (iii) by omitting from section 23 (5) the word
 “member” where firstly occurring and by
 inserting instead the word “person”;
- 30 (e) by omitting from section 24 the word “member”
 wherever occurring and by inserting instead the
 word “person”;
- (f) (Suspension of pension until previously refunded contributions repaid.)

Parliamentary Contributory Superannuation (Amendment).

- (f) (i) by omitting from section 26 (2) the words “a pension” where secondly occurring and by inserting instead the words “an annual pension”;
- 5 (ii) by omitting from section 26 (2) the words “the pension” wherever occurring and by inserting instead the words “the annual pension”;
- 10 (iii) by inserting at the end of section 26 the following new subsection :—
- (3) A direction given by the managing trustees under subsection (2) may be amended or revoked at any time.
- 15 (g) by omitting from section 27 (2) the words “six or seven” and by inserting instead the words “seven or eight”.

Sec. 26.
(Suspension
of pension
where
another
parliamen-
tary pension
received.)

Sec. 27.
(Minimum
benefit.)

(2) The amendments made by subsection (1) (a) (iii), (c) and (g) shall be deemed to have commenced on 1st January, 1972.

20 (3) Any election made under section 20 (2) of the Parliamentary Contributory Superannuation Act, 1971, as in force before the commencement of this Act, shall have the same force and effect as it would have had had the amend-
25 ments made by subsection (1) (a) (ii) been in force when the election was made and had it been an election made under section 20 (2) (a) of that Act, as amended by this Act.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 22 November, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 71, 1972.

An Act to make further provisions with respect to the pensions and other benefits payable from the Parliamentary Contributory Superannuation Fund; for this and other purposes to amend the Parliamentary Contributory Superannuation Act, 1971; to validate certain matters; and for purposes connected therewith. [Assented to, 30th November, 1972.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Parliamentary Contributory Superannuation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Parliamentary Contributory Superannuation (Amendment) Act, 1972".

Amendment of Act No. 53, 1971. **2.** (1) The Parliamentary Contributory Superannuation Act, 1971, is amended—

Sec. 20.
(Right to convert part of entitlement to lump sum entitlement.)

(a) (i) by omitting from section 20 (1) the definition of "the prescribed part of his pension entitlement" and by inserting instead the following definition :—

"the prescribed part of his pension entitlement"—

(a) except as provided by paragraph (b), means—

(i) in relation to a person who is under the age of forty-five years on the date on which he ceased to be a member, not more than seventy-five per centum of his annual pension entitlement as at that date;

(ii) in relation to a person who is forty-five years of age or over but under the age of sixty years on the date on

which

Parliamentary Contributory Superannuation (Amendment).

- (c) by omitting from section 22 (2) the words “the medical practitioner has examined that person in accordance with the requirements of the managing trustees and” and by inserting instead the words “a medical practitioner authorised by the trustees for the purposes of this subsection has reported to the medical practitioner so approved that the medical practitioner so authorised has examined that person in accordance with the requirements of the managing trustees and that the medical practitioner so approved is satisfied”;
- (d) (i) by omitting from section 23 (1) the words “receiving a pension under this Part” and by inserting instead the words “who immediately before his death was receiving, or was entitled to receive, a pension under this Part.”;
- (ii) by inserting next after section 23 (4) the following new subsection :—
- (4A) For the purposes of subsection (1) a former member shall be deemed to have been entitled to receive a pension under this Part at any time if he would, but for the provisions of section 24, subsection (2) of section 25 or subsection (1) of section 26, have been entitled to receive a pension under this Part at that time.
- (iii) by omitting from section 23 (5) the word “member” where firstly occurring and by inserting instead the word “person”;
- (e) by omitting from section 24 the word “member” wherever occurring and by inserting instead the word “person”;
- (f) by inserting instead the words “who immediately before his death was receiving, or was entitled to receive, a pension under this Part.”;

Sec. 22.
(Pension on retirement on grounds of ill-health.)

Sec. 23.
(Pension for widows.)

Sec. 24.
(Suspension of pension until previously refunded contributions repaid.)

Parliamentary Contributory Superannuation (Amendment).

Sec. 26.
(Suspension
of pension
where
another
parliamen-
tary pension
received.)

(f) (i) by omitting from section 26 (2) the words "a pension" where secondly occurring and by inserting instead the words "an annual pension";

(ii) by omitting from section 26 (2) the words "the pension" wherever occurring and by inserting instead the words "the annual pension";

(iii) by inserting at the end of section 26 the following new subsection :—

(3) A direction given by the managing trustees under subsection (2) may be amended or revoked at any time.

Sec. 27.
(Minimum
benefit.)

(g) by omitting from section 27 (2) the words "six or seven" and by inserting instead the words "seven or eight".

(2) The amendments made by subsection (1) (a) (iii), (c) and (g) shall be deemed to have commenced on 1st January, 1972.

(3) Any election made under section 20 (2) of the Parliamentary Contributory Superannuation Act, 1971, as in force before the commencement of this Act, shall have the same force and effect as it would have had had the amendments made by subsection (1) (a) (ii) been in force when the election was made and had it been an election made under section 20 (2) (a) of that Act, as amended by this Act.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 30th November, 1972.*

Parliamentary Contributory Superannuation (Amendment).

which he ceased to be a member, not more than fifty per centum of his annual pension entitlement as at that date; and

(iii) in relation to a person who is sixty years of age or over on the date on which he ceased to be a member, not more than thirty per centum of his annual pension entitlement as at that date, together with, in the case of a person who is not over the age of sixty-five years, one-third of one per centum for every complete month by which his age is less than sixty-five years at the date on which he ceases to be a member; and

(b) in relation to a former member, referred to in paragraph (c) of subsection (2), who makes an election under that paragraph, means—

(i) the prescribed part of his pension entitlement, ascertained under subparagraph (i), (ii) or (iii) of paragraph (a), as the case may be;

(ii)

Parliamentary Contributory Superannuation (Amendment).

(ii) his annual pension entitlement under subsection (2) of section 26 as at the date from which a pension is first payable to him under that subsection since he last ceased to be a member; or

(iii) his annual pension entitlement under subsection (2) of section 26 as at the date immediately before that election is received by the custodian trustee,

whichever is the least;

(ii) by omitting section 20 (2) and by inserting instead the following subsections :—

(2) Notwithstanding anything in this Act, except subsection (2A), a former member—

(a) who is entitled to a pension under this Part but who is not a former member referred to in paragraph (b) or (c) may within the period of three months after ceasing to be a member elect;

(b) who becomes, upon his ceasing to be a person whose right to a pension is suspended under subsection (2) of section 25, entitled to a pension under this Part, may within the period of three months after his so ceasing to be such a person elect; or

(c)

Parliamentary Contributory Superannuation (Amendment).

- (c) who becomes, by reason of a direction given by the managing trustees under subsection (2) of section 26, entitled to a pension under that subsection, may within the period of three months after the giving of the direction under that subsection which resulted in his first so becoming entitled to a pension and which was given after his pension was last suspended under subsection (1) of section 26 elect,

by notice in writing served on the custodian trustee, to convert the prescribed part of his pension entitlement to a lump sum payment determined in accordance with subsection (3).

(2A) Notwithstanding subsection (2), a former member is not entitled to make an election under subsection (2) (b) or (c) if he has in respect of any previous event had an opportunity to make an election under subsection (2) since he last ceased to be a member.

(2B) For the purposes of subsection (2A), where any event has occurred which entitled a former member to make an election under subsection (2) within the period of three months after the occurrence of that event, as referred to in subsection (2), that former member shall be deemed to have had, in respect of that event, an opportunity to make an election under subsection (2) if—

- (a) his right to receive a pension under this Part was not suspended under subsection (2) of section 25 or subsection (1) of section 26 within the period of three months after the occurrence of that event; or

(b)

Parliamentary Contributory Superannuation (Amendment).

- (b) having made an election under subsection (2) within the period of three months after the occurrence of that event, that election was not, by subsection (9), deemed never to have been made.
- (iii) by omitting from section 20 (4) the words "from the date of payment of that lump sum the annual pension payable to that former member shall be reduced by the amount of annual pension in respect of which the election was made" and by inserting instead the words "any pension payable under this Part to that former member in respect of any period which commenced on or after the day on which the election is received by the custodian trustee shall (except a pension payable pursuant to a pension entitlement arising by virtue of a direction given under subsection (2) of section 26 the amount of which has been reduced by reason of his having received that lump sum) be reduced by the amount of annual pension in respect of which the election was made";

New sec.
21A.

- (b) by inserting next after section 21 the following new section :—

21A. For the purposes of sections 20, 21 and 25—

Interpre-
tation
of annual
pension en-
titlement for
purposes of
sections
20, 21
and 25.

- (a) the total annual pension to which a former member referred to in subsection (9) of section 19 is entitled; or
- (b) the annual pension for the time being directed to be paid to a person under subsection (2) of section 26,

shall be deemed to be the annual pension entitlement of that former member or that person, as the case may be.

(c)